

Draft date January 15, 2017

THE APPEALS BOOK for 201~~73~~–20~~2016~~
United States Sailing Association
January 201~~73~~

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Notice to online users of the US Sailing *Appeals Book for 2017-2016*

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This online edition of the US Sailing *Appeals Book for 2017-2016* has been updated to conform to *The Racing Rules of Sailing for 2017-2016*.

This online edition does not contain the World Sailing ISAF cases. The World Sailing ISAF Case Book can be linked to from the US Sailing Appeals Committee web page at <http://www.ussailing.org/race-officials/rules-and-appeals/http://raceadmin.ussailing.org/Appeals>.

However, the Index of Abstracts of Appeals and Cases by Rule Number in this edition does include the abstracts from the cases.

Updates to *The Appeals Book for 2017-2016*, including new appeals and notices of deletions and revisions, will appear on the US Sailing Appeals Committee web page (<http://raceadmin.ussailing.org/Appeals>). The posting date will appear on the link so readers will know that they are accessing the most recent edition of the book.

Dave Perry, Chairman

US Sailing Appeals Committee

January 2017~~August 2013~~

Is there an ISBN number?

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THE APPEALS BOOK FOR 2017~~3~~–2020~~16~~

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INTRODUCTION

The Appeals Book for 2017-2020 contains decisions of the US Sailing Appeals Committee. Typically, protest committees conform their decisions to the appeals when the facts are similar, which makes them invaluable for competitors and officials to know and use.

~~World Sailing~~~~The International Sailing Federation (ISAF)~~ publishes its own book called *The Case Book for 2017-2020*. The ~~World Sailing~~~~ISAF~~ cases are authoritative interpretations of the rules and contain selected appeals from member national authorities such as US Sailing.

Most appeals and cases are only a few paragraphs long, with a summary of the facts and often a diagram, followed by clear interpretations and applications of the rules to those facts. One of *The Appeals Book's* best features is the [Index of Abstracts of Appeals and Cases by Rule Number](#)

(summaries of each US Sailing appeal and ~~World Sailing~~~~ISAF~~ case) sorted by rule number. So, if you are in

a protest involving rule 17 (On the Same Tack; Proper Course), you can quickly scan through each appeal and case pertaining to rule 17 to see if one applies to your situation. Another useful feature is the Index of Key Words and Phrases used in the US Sailing appeals.

Some of the appeals and cases are from actual situations, and some are hypothetical situations and questions sent in by yacht clubs and other organizations. I strongly recommend and urge all sailors, race officers and judges to read through *The Appeals Book* and *The Case Book*.

The Appeals Book and *The Case Book* are available online at <http://www.ussailing.org/race-officials/rules-and-appeals/http://raceadmin.ussailing.org/Appeals>. *The Appeals Book* will also continue to be published and sold in hardcopy which will continue to include the ~~World Sailing~~~~ISAF~~ cases. *The Appeals Book* can be purchased through the store on the US Sailing website at <http://store.ussailing.org/store.ussailing.org/store.asp>.

The Appeals Book for 2017-2020 has been updated to conform to The Racing Rules of Sailing for 2017-2020. In particular, readers of previous editions will notice changes to appeals involving exoneration under rule 21, conflicts of interest and disposing of trash. Rule 21, Exoneration, has been moved to Section D of Part 2 and now includes exoneration for boats entitled to "room" under rules 15 and 16.1. The definition Interested Party has been changed to Conflict of Interest.

and rule 63.4, Conflict of Interest, has been relaxed. And the penalty for breaking rule 55, Trash Disposal, can now be less than disqualification. Fifteen appeals have been revised, and each is indicated with “Revised January 2017” at the end. A red-lined edition of the *Appeals Book for 2017-2020* showing all the changes is on the US Sailing website at <http://www.ussailing.org/race-officials/rules-and-appeals/>.

In addition, there are three new appeals since the 2013-2016 edition was published (113, 114 and 115), and two appeals have been deleted (107 and 109). For a complete list of the appeals that have been deleted from *The Appeals Book* since it was updated with the new rules and renumbered in 1997, and the reasons for doing so, see *Appeals Deleted Since the 1997–2000 Edition and Reasons*. Future changes in the book, including new appeals and notices of deletions, will appear on the US Sailing website at <http://www.ussailing.org/race-officials/rules-and-appeals/>.

~~*The Appeals Book for 2013-2016* has been updated to conform to *The Racing Rules of Sailing for 2013-2016*. In particular, readers of previous editions will notice changes to appeals involving rules 14 (Avoiding Contact) and 18 (Mark Room). Under new rule 14(b) boats are “exonerated for breaking rule 14” as opposed to “not being penalized for breaking the rule.” The definition Mark Room has been changed; hence the changes to many appeals involving rule 18. In addition, there are three new appeals since the 2009-2012 edition was published (103, 107 and 108), and seven appeals have been deleted. For a complete list of the appeals that have been deleted from *The Appeals Book for 2013-2016* since it was updated with the new rules and renumbered in 1997, and the reasons for doing so, see *Appeals Deleted Since the 1997-2000 Edition and Reasons*. Future changes in the book, including new appeals and notices of deletions, will appear on the US Sailing website at <http://raceadmin.ussailing.org/Appeals>.~~

For those interested in seeing the changes we have made from the 2013-2016 edition of *The Appeals Book*, we have posted a red-lined edition of the 2013-2016 *Appeals Book* on the US Sailing website at ussailing.org/race-officials/rules-and-appeals.

I am indebted to Joy Shipman~~Pat Seidenspinner~~, the Secretary of the Appeals Committee, who served as the editor of this edition and also revised many of the diagrams included in the book, and to all the members of the Appeals Committee who worked hard to complete the updated book by January of 2017~~3~~.

Dave Perry, Chairman
US Sailing Appeals Committee

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Readers with comments are invited to send them to:

US Sailing Appeals Committee

[Address??](#)

15 Maritime Drive

PO Box 1260

Portsmouth, RI 02871

e-mail: appeals@ussailing.org

HISTORY OF *THE APPEALS BOOK*

From 1932 until the fall of 1942, appeals were decided by the Executive Committee of the North American Yacht Racing Union (NAYRU) and were published as supplements to the minutes of the NAYRU annual meetings. Beginning in September, 1942, appeals were decided by an Appeals Committee whose members were elected at annual meetings. Today, members of the Appeals Committee are appointed by the US Sailing Board of Directors for three-year terms.

The appeals were first published separately in 1950. For the second edition in 1953 they were conformed to the new NAYRU racing rules with the help of their originator, Harold S. Vanderbilt. Subsequent editions were published in 1962, 1965, 1970, 1978, 1982, 1986, 1990, 1994, 1997, 2002, 2005, 2009, [2013](#) and [2017](#).

The Appeals Committee regularly publishes appeals that it considers have educational value to the racing community. Many of the published appeals are hypothetical rules questions submitted under rule 70.4 (Appeals and Requests to a National Authority). These are called “[Q](#)uestions.”

The Appeals Book was placed online in 2008, and can be found at <http://raceadmin.ussailing.org/Appeals><http://www.ussailing.org/race-officials/rules-and-appeals/>. A link to the [World Sailing](#) [ISAF Case Book](#) can also be found there.

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MEMBERS OF THE US SAILING APPEALS COMMITTEE

Charles Francis Adams	1942–1952	
Clinton H. Crane	1942–1959	(ex officio 1945–1950)
J. Amory Jeffries	1942–1972	(ex officio 1958–1962), Chairman 1963–1972
George Nichols	1942–1951	
W. A. W. Stewart	1942–1961	Chairman 1943–1961
J. Lewis Stackpole	1942–1949	
Harold S. Vanderbilt	1942–1969	
Clare Udell	1950–1957	
Henry S. Morgan	1951–1974	(ex officio 1951–1957)
George R. Hinman	1954–1977	(ex officio 1963–1967)
J. Herbert Ware	1958–1964	
George E. Roosevelt	1960–1964	
F. Gregg Bemis	1962–1984	Chairman 1962
Robert N. Bavier, Jr.	1965–1980	(ex officio 1968–1972), Chairman 1973–1975
Henry H. Anderson, Jr.	1965–1990	Secretary 1980–1986
Richard B. Nye	1970–1978	
James Michael	1973–1983	(ex officio 1973–1975), Chairman 1976–1983
Lynn A. Watters	1975	
Lynn G. Stedman, Jr.	1976, 1979–1983	(ex officio 1976)
Theodore E. Tolson, Jr.	1978–1984	
Harman Hawkins	1980–1993	Chairman 1984–1988
William H. Foulk, Jr.	1981–1985	
Richard S. Latham	1984–1991	Chairman 1989–1991
William P. Ficker	1984–1987	
William Bentsen	1984– <u>2015</u>	Chairman 1998–2002
Mark H. Baxter	1985–1986	
David M. Perry	1986–	Chairman 2007–
Thomas H. Farquhar	1987–2012	Chairman 1992–1995, 2003–2006 Secretary 1987–1991, Chairman 1992–1995, 2003–2006
Roger W. Eldridge	1988–1990	
Charles A. Cook	1991–2002	Chairman 1996–1997
Charles M. Kober	1991–1995	
Charles W. Raulston	1994–1998	
Frederick H. Hagedorn	1994–1998	Secretary 1994–1998
Pete Ives	1996–1998	
Bradley W. Dellenbaugh	1998–2002	
Jim Capron	1999–2006	
Kirk S. Brown	2002–2008	
Dean M. Brenner	2003–2004	
Bryan H. McDonald	2005–2008	
Steven C. Shepstone	2007–	
Dick Rose	2009–	
L. Douglas Sloan	2013–	
<u>John Pratt</u>	<u>2016–</u>	

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LETTERS USED TO DESIGNATE BOATS IN DIAGRAMS

- A, B, C, X, Y, Z, etc. Any boat
 - I..... Inside boat
 - L..... Leeward boat
 - M..... Middle or intervening boat
 - O..... Outside boat
 - P..... Port-tack boat
 - S..... Starboard-tack boat
 - W..... Windward boat
- Combinations of these letters are also used.

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APPEALS DELETED SINCE THE 1997–2000 EDITION AND REASONS

* Indicates appeals ~~deleted~~ ~~deleted from~~ ~~from~~ ~~from the~~ *The Appeals Book for 2013-2016*

- 1* The appeal was redundant to ISAF Case 1.
- 7* The appeal was redundant to Appeal 36.
- 9 Rule 42.2 was changed in 2005.
- 11 The decision was no longer correct because of changes in rule 61.1(a) in 2001.
- 14 Rule 17.2 was deleted in 2009.
- 28 There was no significant point to be made following the rule changes.
- 29 The facts created an implausible situation.
- 32 The facts were insufficient to support the decision and therefore it may have been incorrect.
- 37* The decision incorrectly held that when an overall trophy is awarded based on the performances of boats racing in separate classes, those boats are racing in more than one race at a time.
- 38 ISAF Case 92 discusses an almost identical incident.
- 47 Changes in the rules in 2001 made the questions and answers less helpful.
- 48 The facts were insufficient to decide the appeal.
- 49 The decision was incorrect.
- 55 Now ISAF Case 91.
- 57 The decision was no longer correct because rule J2.1(5) was changed in 2001 to require sailing instructions to identify all rounding marks.
- 68* The appeal was redundant to Case 31, and its decision did not conform to the decision in Case 31 which says that the award of redress should reflect the fact that an OCS boat will lose time and distance when it returns to start.
- 73 Now ISAF Case 110.
- 74 No longer needed.
- 75 Now ISAF Case 92.
- 76 Now ISAF Case 93.
- 77 Now ISAF Case 103.
- 79 The preamble to Part 2 was changed in 2005.
- 80 Now ISAF Case 98.
- 81 No longer needed.
- 85 Now ISAF Case 104.
- 88 ~~The appeal c~~onflicted with ISAF Case 112.
- 95 The phrase “about to round” was removed from rule 18 in 2009.
- 98 Now ISAF Case 110.
- 104* Now ISAF Case 119.
- 105* Now ISAF Case 118.
- 106* The definition Mark-Room was changed in 2013.
- 107* Rule 63.4 was changed making the facts insufficient to decide the appeal.
- 109* The appeal was redundant to World Sailing Case 129.

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SECTION 1—ABSTRACTS OF APPEALS AND CASES BY RULE NUMBER

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Section 1 enables readers to find appeals that interpret a particular rule. The abstracts do not necessarily mention every rule interpreted, however, so the reader should also read the entire appeal.

INTRODUCTION

Question 99—The ISAF Cases do not have the status of rules but are “authoritative interpretations and explanations of the rules.” Therefore, when the relevant facts from a protest are essentially similar to the facts of a Case, the interpretations in the Case should be accepted by the protest committee as correct interpretations of the racing rules for that protest.

Like the ISAF Cases, the published US Sailing appeals are not rules. However, decisions of the US Sailing Appeals Committee are final; therefore, when the relevant facts from a protest are essentially similar to the facts of a US Sailing appeal, and no ISAF Case conflicts with the interpretations in the appeal, a protest committee in the United States is well advised to follow the appeal in making its decision.

Question 112—Interpretations of the definition Party and rule 63.3 concerning representation in hearings, and a discussion regarding the terms in Terminology in the Introduction of *The Racing Rules of Sailing*.

DEFINITIONS

Clear Astern and Clear Ahead; Overlap

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which Case the rules of Section A and B apply.

Case 12—In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

Case 23—On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Case 33—When a boat approaching an obstruction hails for room to tack before safety requires her to do so, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat

must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

Case 41—A discussion of how rule 19.2(b) and the definitions Clear Astern and Clear Ahead; Overlap and Obstruction apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

Case 43—A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

Case 91—A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

Finish

Question 86— A boat that touches a finishing mark and then takes a penalty does not finish until she crosses the finishing line after taking her penalty. Exoneration does not provide for cancelling a penalty a boat has taken voluntarily or for compensating her for distance, time or places lost in taking the penalty. A boat that voluntarily takes a penalty and thereby worsens her score is not entitled to redress.

Appeal 109—A race committee boat may be used as a starting line or finishing line mark at either end of the line. When the course is shortened at a rounding mark, that mark becomes a finishing mark, and is no longer a rounding mark. In the definition Finish, "from the course side" means from the side of the line where the boats sail from the mark that begins the last leg of the course to the finishing line.

Case 45—When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

Case 58—If a buoy or other object specified in the sailing instructions as a finishing- line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

Case 82—When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.

Case 112—If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

Interested Party

Appeal 18—A boat touching a starting mark but not forcing room breaks only rule 31 (Touching a Mark). A race committee member who is also a member of the protest committee does not become an interested party by the race committee's act of protesting under rule 60.2.

Appeal 22—A competitor in a race or series is an interested party. His participation in any part of a protest hearing, except as a witness or a party to the hearing, makes the hearing invalid. Unless rule 70.5 applies, the right of appeal cannot be denied.

Appeal 39—The responsibility for a boat's decision to participate in a race or to continue racing is hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

Appeal 42—It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member is not an interested party because of being the measurer.

Appeal 107—A protest committee member whose child is competing in a race that includes the parties to the protest is an interested party, because the relationship between the parent and child is a "close personal" one. The protest committee member therefore will have a close personal interest in the protest committee's decision, and therefore must not take part in the hearing.

Keep Clear

Case 30—A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

Case 50—When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S,

it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

Case 60—When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

Case 77—Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

Case 87—A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

Case 88—A boat may avoid contact and yet fail to keep clear.

Case 91—A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

Mark

Appeal 10—Although a boat does not break rule 31 by touching a mark's anchor line, if that causes the mark to be drawn into contact with the boat, she does break it.

Question 83—Government buoys marking a security zone are not obstructions unless they fit the terms of the definition Obstruction. Boats may pass such obstructions on either side unless the sailing instructions prohibit sailing inside the security zone. A boat cannot be penalized under the racing rules for violating government regulations unless the sailing instructions make the regulations a rule governing the event.

Case 58—If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

Mark-Room

Appeal 3—An inside windward boat, given sufficient mark-room at a mark, is required to keep clear of an outside leeward boat. A right-of-way boat may not be penalized under rule 14 unless there is damage or injury.

Appeal 20—Mark-Room is not defined to allow an inside boat without right of way to sail to a

mark in a tactically desirable manner.

Appeal 89—A boat that enters the zone clear astern does not necessarily have to give the boat clear ahead mark-room under rule 18.2(b) until the boat clear ahead completes her rounding maneuver. During the maneuver, all of rule 18 may cease to apply, or rule 18.2(b) alone may cease to apply. In either Case, if the boat clear ahead tacks she becomes subject to rule 13 when she passes head to wind.

Case 15—In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

Case 21—When a right-of-way boat is obligated to give mark-room to a boat overlapped inside her, there is no maximum or minimum amount of space that she must give. The amount of space that she must give depends significantly on the existing conditions including wind and sea conditions, the speed of the inside boat, the sails she has set and her design characteristics.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 63—At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

Case 70—An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Case 114—When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

Case 118—In the definition Mark-Room, the phrase ‘room to sail to the mark’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.

Obstruction

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

Appeal 15—A boat is permitted to hail another for room to tack when a substantial course change is required for her to avoid the obstruction.

Appeal 36— When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Question 83—Government buoys marking a security zone are not obstructions unless they fit the terms of the definition Obstruction. Boats may pass such obstructions on either side unless the sailing instructions prohibit sailing inside the security zone. A boat cannot be penalized under the racing rules for violating government regulations unless the sailing instructions make the regulations a rule governing the event.

Case 11—When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

Case 23—On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Case 29—A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

Case 41—A discussion of how rule 19.2(b) and the definitions Clear Astern and Clear Ahead; Overlap and Obstruction apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

Case 117—When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

Party

Appeal 64—A boat may appeal a protest decision only if she is a party to the hearing in which the decision was made. A boat is not a party to a hearing merely because her finishing place is affected by a decision on another boat's request for redress. A boat does not become a party to a hearing by requesting that the hearing be reopened.

Question 112—Interpretations of the definition Party and rule 63.3 concerning representation in hearings, and a discussion regarding the terms in Terminology in the Introduction of *The Racing Rules of Sailing*.

Case 55—A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

Proper Course

Appeal 4—When a boat intervenes between two others on the same tack, her proper course is to keep clear of the leeward boat.

Appeal 13—Different boats may have different proper courses at any given moment. When those proper courses conflict, the right-of-way boat is entitled to sail her proper course.

Case 9—When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

Case 14—When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

Case 46—A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

Racing

Appeal 16—When no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing

and is not subject to penalty, unless she interferes with a boat still racing. Rule 14 applies to a boat that is racing, even if the contact is with a boat no longer racing.

Appeal 26—A boat cannot be penalized for touching a finishing mark when she is no longer racing.

Case 5—A boat that is anchored while racing is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

Case 68—The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

Room

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Appeal 78—A boat that acquires right of way over a second boat and causes the second boat to break a rule of Part 2 in order to keep clear of her, breaks rule 15 by not initially giving the second boat room to keep clear.

Case 21—When a right-of-way boat is obligated to give mark-room to a boat overlapped inside her, there is no maximum or minimum amount of space that she must give. The amount of space that she must give depends significantly on the existing conditions including wind and sea conditions, the speed of the inside boat, the sails she has set and her design characteristics.

Case 24—When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15. If she takes unnecessary action that causes contact, she fails to keep clear as required by rule 11.

Case 60—When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Case 103—The phrase ‘seamanlike way’ in the definition Room refers to boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.

Case 114—When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

Case 117—When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

Rule

Appeal 54—A race committee is bound by the sailing instructions because they are rules. When a boat’s score in a series is made significantly worse by a race committee action which is contrary to a sailing instruction, the boat is entitled to redress.

Question 83—Government buoys marking a security zone are not obstructions unless they fit the terms of the definition Obstruction. Boats may pass such obstructions on either side unless the sailing instructions prohibit sailing inside the security zone. A boat cannot be penalized under the racing rules for violating government regulations unless the sailing instructions make the regulations a rule governing the event.

Question 99—The ISAF Cases do not have the status of rules but are “authoritative interpretations and explanations of the rules.” Therefore, when the relevant facts from a protest are essentially similar to the facts of a Case, the interpretations in the Case should be accepted by the protest committee as correct interpretations of the racing rules for that protest.

Like the ISAF Cases, the published US Sailing appeals are not rules. However, decisions of the US Sailing Appeals Committee are final; therefore, when the relevant facts from a protest are essentially similar to the facts of a US Sailing appeal, and no ISAF Case conflicts with the interpretations in the appeal, a protest committee in the United States is well advised to follow the appeal in making its decision.

Case 85—If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

BASIC PRINCIPLES

Sportsmanship and the Rules

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Case 39—Except when it receives a report of a breach of a class rule or of rule 43 from an equipment inspector or a measurer for an event, a race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitors.

Case 65—When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

Case 71—A hail is not the ‘sound signal’ required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

Environmental Responsibility

Question 110—Broken sail stops made of yarn or rubber bands that fall into the water are trash, even if they are biodegradable. Putting sail stops in the water breaks rule 55. However, rule 55 can be changed in the sailing instructions to permit their use.

PART 1—FUNDAMENTAL RULES

Rule 1.1, Safety: Helping Those in Danger

Case 20—When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

Rule 2, Fair Sailing

Appeal 42—It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member is not an interested party because of being the measurer.

Case 27—A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Case 34—Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

Case 47—A boat that deliberately hails ‘Starboard’ when she knows she is on port tack has not acted fairly, and has broken rule 2.

Case 65—When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

Case 73—When, by deliberate action, L’s crew reaches out and touches W, which action could

have no other intention than to cause W to break rule 11, then L breaks rule 2.

Case 74—There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.

Case 78—In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.

Rule 3(a), Acceptance of the Rules

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule 4, Decision to Race

Appeal 39—The responsibility for a boat's decision to participate in a race or to continue racing is hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

PART 2—WHEN BOATS MEET

Part 2 Preamble

Appeal 16—When no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing and is not subject to penalty, unless she interferes with a boat still racing. Rule 14 applies to a

boat that is racing, even if the contact is with a boat no longer racing.

Case 67—When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she may be penalized for gross misconduct.

Case 109—The IRCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that Case all of the Part 2 rules are replaced. An IRCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

Section A—Right of Way

Rule 10, On Opposite Tacks

Appeal 2—When a port-tack leeward boat, on a collision course with a starboard-tack boat, hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she could not avoid breaking it.

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

Appeal 27—A hail to hold course is not binding on a right-of-way boat.

Appeal 51—When she cannot see behind other boats, an obligated boat must anticipate what might appear from the other side of the other boats.

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which Case the rules of Section A and B apply.

Case 9—When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

Case 23—On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Case 43—A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision

course.

Case 50—When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

Case 75—When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

Case 87—A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

Case 88—A boat may avoid contact and yet fail to keep clear.

Case 99—The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact...if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

Case 105—When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

Rule 11, On the Same Tack, Overlapped

Appeal 3—An inside windward boat, given sufficient mark-room at a mark, is required to keep clear of an outside leeward boat. A right-of-way boat may not be penalized under rule 14 unless there is damage or injury.

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

Appeal 13—Different boats may have different proper courses at any given moment. When those proper courses conflict, the right-of-way boat is entitled to sail her proper course.

Appeal 20—Mark-Room is not defined to allow an inside boat without right of way to sail to a mark in a tactically desirable manner.

Appeal 43—Once a leeward boat, after establishing an overlap from clear astern, has initially given the windward boat room to keep clear under rule 15, the windward boat is correctly disqualified for breaking rule 11 if by luffing she causes contact.

Appeal 52—A starboard-tack boat that gybes and becomes a leeward boat does not thereby acquire right of way. A right-of-way boat failing to avoid contact when it was reasonably possible to do so breaks rule 14.

Appeal 70—When about to pass a windward mark, a boat’s proper course may be to sail above close-hauled.

Case 7—When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

Case 12—In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat’s course.

Case 14—When, owing to a difference of opinion about a leeward boat’s proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

Case 24—When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15. If she takes unnecessary action that causes contact, she fails to keep clear as required by rule 11.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 41—A discussion of how rule 19.2(b) and the definitions Clear Astern and Clear Ahead; Overlap and Obstruction apply when two overlapped boats on the same tack overtake and pass to

leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

Case 46—A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

Case 51—A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

Case 53—A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.

Case 70—An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

Case 73—When, by deliberate action, L's crew reaches out and touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

Case 74—There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.

Rule 12, On the Same Tack, Not Overlapped

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Case 2—If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

Case 15—In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

Case 24—When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15. If she takes unnecessary action that causes contact, she fails to keep clear

as required by rule 11.

Case 41—A discussion of how rule 19.2(b) and the definitions Clear Astern and Clear Ahead; Overlap and Obstruction apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

Case 77—Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

Case 91—A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

Rule 13, While Tacking

Appeal 17—"Head to wind" refers to the bow and centerline of a boat, not the position of her sails.

Appeal 35—A boat that completes a tack onto starboard need not thereafter remain close-hauled, but is subject to rules 16.1 and 16.2 as she changes course.

Appeal 45—A leeward boat that hails and tacks simultaneously breaks rule 20.2(a). A windward boat is not required to anticipate a leeward boat's actions with respect to a converging right-of-way boat.

Appeal 89—A boat that enters the zone clear astern does not necessarily have to give the boat clear ahead mark-room under rule 18.2(b) until the boat clear ahead completes her rounding maneuver. During the maneuver, all of rule 18 may cease to apply, or rule 18.2(b) alone may cease to apply. In either Case, if the boat clear ahead tacks she becomes subject to rule 13 when she passes head to wind.

Case 15—In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

Case 17—A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

Case 27—A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

Section B—General Limitations

Rule 14, Avoiding Contact

Appeal 3—An inside windward boat, given sufficient mark-room at a mark, is required to keep clear of an outside leeward boat. A right-of-way boat may not be penalized under rule 14 unless there is damage or injury.

Appeal 16—When no part of a boat’s hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing and is not subject to penalty, unless she interferes with a boat still racing. Rule 14 applies to a boat that is racing, even if the contact is with a boat no longer racing.

Appeal 17—“Head to wind” refers to the bow and centerline of a boat, not the position of her sails.

Appeal 20—Mark-Room is not defined to allow an inside boat without right of way to sail to a mark in a tactically desirable manner.

Appeal 24—When PL and PW are approaching an obstruction, and when rule 20 applies, the decision as to whether PL will pass astern of the obstruction or tack is PL’s to make. If PL decides to tack she must hail and give PW time to respond.

Appeal 35—A boat that completes a tack onto starboard need not thereafter remain close-hauled, but is subject to rules 16.1 and 16.2 as she changes course.

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Appeal 43—Once a leeward boat, after establishing an overlap from clear astern, has initially given the windward boat room to keep clear under rule 15, the windward boat is correctly disqualified for breaking rule 11 if by luffing she causes contact.

Appeal 45—A leeward boat that hails and tacks simultaneously breaks rule 20.2(a). A windward boat is not required to anticipate a leeward boat’s actions with respect to a converging right-of-way boat.

Appeal 52—A starboard-tack boat that gybes and becomes a leeward boat does not thereby acquire right of way. A right-of-way boat failing to avoid contact when it was reasonably possible to do so breaks rule 14.

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which case the rules of Section A and B apply.

Case 2—If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

Case 7—When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

Case 11—When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat’s course.

Case 14—When, owing to a difference of opinion about a leeward boat’s proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

Case 23—On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 26—A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

Case 27—A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

Case 30—A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

Case 43—A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

Case 50—When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

Case 75—When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

Case 77—Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

Case 81—When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

Case 88—A boat may avoid contact and yet fail to keep clear.

Case 91—A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

Case 92—When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

Case 99—The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to 'avoid contact...if reasonably possible' and the only way to do so is to crash-gybe, she does not

break the rule if she does not crash-gybe. When a boat's penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

Case 105—When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

Case 107—During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may 'act to avoid contact'. When a boat's breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

Rule 14(a), Avoiding Contact

Appeal 92—"Doubt" refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Case 87—A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

Rule 14(b), Avoiding Contact

Case 19—Interpretation of the term 'damage'.

Rule 15, Acquiring Right of Way

Appeal 13—Different boats may have different proper courses at any given moment. When those proper courses conflict, the right-of-way boat is entitled to sail her proper course.

Appeal 24—When PL and PW are approaching an obstruction, and when rule 20 applies, the decision as to whether PL will pass astern of the obstruction or tack is PL's to make. If PL decides to tack she must hail and give PW time to respond.

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Appeal 43—Once a leeward boat, after establishing an overlap from clear astern, has initially given the windward boat room to keep clear under rule 15, the windward boat is correctly disqualified for breaking rule 11 if by luffing she causes contact.

Appeal 52—A starboard-tack boat that gybes and becomes a leeward boat does not thereby acquire right of way. A right-of-way boat failing to avoid contact when it was reasonably possible to do so breaks rule 14.

Appeal 78—A boat that acquires right of way over a second boat and causes the second boat to break a rule of Part 2 in order to keep clear of her, breaks rule 15 by not initially giving the second boat room to keep clear.

Appeal 108—When a leeward boat is changing course toward a windward boat, she may need to change course away from the windward boat when the boats get near each other in order to continue to give the windward boat room to keep clear.

Case 2—If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

Case 7—When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

Case 24—When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15. If she takes unnecessary action that causes contact, she fails to keep clear as required by rule 11.

Case 27—A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

Case 53—A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.

Case 81—When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and

there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 105—When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

Case 117—When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

Rule 16.1, Changing Course

Appeal 12—A boat that breaks a rule, but is compelled to do so by a breach of a rule by a third boat, shall be exonerated.

Question 33—To change course means to change the direction in which the boat is heading or moving.

Appeal 35—A boat that completes a tack onto starboard need not thereafter remain close-hauled, but is subject to rules 16.1 and 16.2 as she changes course.

Appeal 51—When she cannot see behind other boats, an obligated boat must anticipate what might appear from the other side of the other boats.

Appeal 71—Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

Appeal 108—When a leeward boat is changing course toward a windward boat, she may need to change course away from the windward boat when the boats get near each other in order to continue to give the windward boat room to keep clear.

Case 6—A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

Case 7—When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat’s course.

Case 14—When, owing to a difference of opinion about a leeward boat’s proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 26—A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

Case 46—A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

Case 52—Rule 16.1 does not restrict the course of a keep-clear boat. Manoeuvring to drive another boat away from the starting line does not necessarily break this rule.

Case 60—When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

Case 75—When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

Case 76—When a right-of-way boat changes course she may break rule 16, even if she is sailing her proper course.

Case 92—When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 105—When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

Case 114—When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

Rule 16.2, Changing Course

Question 33—To change course means to change the direction in which the boat is heading or moving.

Appeal 35—A boat that completes a tack onto starboard need not thereafter remain closehauled, but is subject to rules 16.1 and 16.2 as she changes course.

Case 6—A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

Case 92—When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

Rule 17, On the Same Tack; Proper Course

Appeal 4—When a boat intervenes between two others on the same tack, her proper course is to keep clear of the leeward boat.

Appeal 13—Different boats may have different proper courses at any given moment. When those proper courses conflict, the right-of-way boat is entitled to sail her proper course.

Appeal 70—When about to pass a windward mark, a boat's proper course may be to sail above close-hauled.

Case 7—When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

Case 13—Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

Case 14—When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing

near one another may have different proper courses.

Case 46—A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

Section C—At Marks and Obstructions

Section C Preamble

Appeal 5—Ignorance of the rules is no excuse for breaking a rule. A boat without right to mark-room that takes room given in error breaks no rule.

Appeal 71—Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

Rule 18, Mark-Room

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which Case the rules of Section A and B apply.

Rule 18.1, Mark-Room: When Rule 18 Applies

Appeal 89—A boat that enters the zone clear astern does not necessarily have to give the boat clear ahead mark-room under rule 18.2(b) until the boat clear ahead completes her rounding maneuver. During the maneuver, all of rule 18 may cease to apply, or rule 18.2(b) alone may cease to apply. In either Case, if the boat clear ahead tacks she becomes subject to rule 13 when she passes head to wind.

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which Case the rules of Section A and B apply.

Case 9—When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

Case 12—In determining the right of an inside boat to mark-room under rule 18.2(b), it is

irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

Case 15—In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

Case 26—A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

Case 60—When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

Case 76—When a right-of-way boat changes course she may break rule 16, even if she is sailing her proper course.

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Rule 18.1(d), Mark-Room: When Rule 18 Applies

Appeal 71—Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

Rule 18.2, Mark-Room: Giving Mark-Room

Appeal 5—Ignorance of the rules is no excuse for breaking a rule. A boat without right to mark-room that takes room given in error breaks no rule.

Appeal 89—A boat that enters the zone clear astern does not necessarily have to give the boat clear ahead mark-room under rule 18.2(b) until the boat clear ahead completes her rounding maneuver. During the maneuver, all of rule 18 may cease to apply, or rule 18.2(b) alone may cease to apply. In either Case, if the boat clear ahead tacks she becomes subject to rule 13 when she passes head

to wind.

Appeal 97—When rule 18 applies, there must be both an “inside” and an “outside” boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no “inside” or “outside” boat, in which case the rules of Section A and B apply.

Case 114—When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

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

Case 2—If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

Case 59—When a boat comes abreast of a mark but is outside the zone, and when her change of course towards the mark results in a boat that is in the zone and that was previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give mark-room to that boat, whether or not her distance from the mark was caused by giving mark-room to other boats overlapped inside her.

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

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

Appeal 3—An inside windward boat, given sufficient mark-room at a mark, is required to keep clear of an outside leeward boat. A right-of-way boat may not be penalized under rule 14 unless there is damage or injury.

Appeal 20—Mark-Room is not defined to allow an inside boat without right of way to sail to a mark in a tactically desirable manner.

Appeal 30—Establishing a late overlap breaks no rule, so long as the boat doing so gives mark-room.

Appeal 70—When about to pass a windward mark, a boat’s proper course may be to sail above close-hauled.

Appeal 92—“Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to

avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Case 2—If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

Case 12—In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

Case 15—In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 59—When a boat comes abreast of a mark but is outside the zone, and when her change of course towards the mark results in a boat that is in the zone and that was previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give mark-room to that boat, whether or not her distance from the mark was caused by giving mark-room to other boats overlapped inside her.

Case 63—At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

Case 70—An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

Case 75—When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

Case 81—When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to

rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Case 118—In the definition Mark-Room, the phrase ‘room to sail to the mark’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.

Rule 18.2(c)(2), Mark-Room: Giving Mark-Room

Case 63—At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

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

Appeal 92—“Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Rule 18.3, Mark-Room: Tacking in the Zone

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Rule 18.4, Mark-Room: Gybing

Case 75—When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

Rule 19, Room to Pass an Obstruction

Case 23—On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Case 30—A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

Rule 19.1, Room to Pass an Obstruction: When Rule 19 Applies

Appeal 71—Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

Appeal 4—When a boat intervenes between two others on the same tack, her proper course is to keep clear of the leeward boat.

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

Appeal 24—When PL and PW are approaching an obstruction, and when rule 20 applies, the decision as to whether PL will pass astern of the obstruction or tack is PL's to make. If PL decides to tack she must hail and give PW time to respond.

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Case 3—A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

Case 11—When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

Case 29—A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

Case 33—When a boat approaching an obstruction hails for room to tack before safety requires her to do so, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

Case 41—A discussion of how rule 19.2(b) and the definitions Clear Astern and Clear Ahead; Overlap and Obstruction apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

Case 43—A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

Case 49—When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

Case 117—When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

Rule 20, Room to Tack at an Obstruction

Appeal 2—When a port-tack leeward boat, on a collision course with a starboard-tack boat, hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she could not avoid breaking it.

Appeal 15—A boat is permitted to hail another for room to tack when a substantial course change is required for her to avoid the obstruction.

Appeal 19—When a boat makes a timely hail for room to tack to avoid a right-of-way boat, but the hailed boat fails to respond and compels the hailing boat to break a rule, the hailing boat must be

exonerated.

Appeal 24—When PL and PW are approaching an obstruction, and when rule 20 applies, the decision as to whether PL will pass astern of the obstruction or tack is PL's to make. If PL decides to tack she must hail and give PW time to respond.

Appeal 45—A leeward boat that hails and tacks simultaneously breaks rule 20.2(a). A windward boat is not required to anticipate a leeward boat's actions with respect to a converging right-of-way boat.

Case 3—A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

Case 11—When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

Case 33—When a boat approaching an obstruction hails for room to tack before safety requires her to do so, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

Case 35—When a boat is hailed for room to tack at an obstruction and replies 'You tack', and the hailing boat is then able to tack and avoid the hailed boat in a seamanlike way, the hailed boat has complied with rule 20.2(c).

Case 101—When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. When, in reply to her call for room to tack when approaching an obstruction, a boat is hailed 'You tack', and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.

Case 113—An explanation of the application of rule 20 when three boats sailing close-hauled on the same tack are approaching an obstruction and the leeward-most boat hails for room to tack, but cannot tack unless both boats to windward of her tack.

Rule 21, Exoneration

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was

a party to a protest hearing, even if she was not protested.

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Appeal 92—“Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Case 11—When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

Case 12—In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

Case 25—When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

Case 63—At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

Case 70—An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Section D—Other Rules

Rule 23, Capsized, Anchored or Aground: Rescuing

Case 5—A boat that is anchored while racing is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

Rule 24.1, Interfering with Another Boat

Appeal 16—When no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing and is not subject to penalty, unless she interferes with a boat still racing. Rule 14 applies to a boat that is racing, even if the contact is with a boat no longer racing.

PART 3—CONDUCT OF A RACE

Rule 26, Starting Races

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Rule 28.1, Sailing the Course

Question 101—A right-of-way boat compelled by a keep-clear boat to cross the starting line early is not relieved of her obligation to start as described in the definition Start.

Appeal 103—When the sailing instructions do not identify which marks are rounding marks as required by the rules, boats are not required to treat any marks as rounding marks.

Case 28—When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

Case 58—If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

Rule 28.2, Sailing the Course

Case 90—When a boat's string passes a mark on the required side, she does not break rule 28.2 if her string, when drawn taut, also passes that mark on the non-required side.

Case 106—When the string representing a boat's track lies on the required sides of finishing marks or gate marks, it is not relevant that, when drawn taut, it also passes one of those marks on the non-required side.

Case 108—When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after she is no longer touching the mark and is well clear of other boats, and when no question of advantage arises.

Case 112—If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

Rule 29.1, Recalls: Individual Recall

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Case 71—A hail is not the 'sound signal' required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

Case 79—When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own, and therefore entitles her to redress.

Rule 30.2, Starting Penalties: Z Flag Rule

Rule 30.3, Starting Penalties: Black Flag R

Appeal 96—When the Z Flag Rule is in effect, a boat in the triangle defined in that rule during the minute before the starting signal can avoid being penalized only if the race is postponed or abandoned before the starting signal that would end that one-minute period.

Case 65—When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

Case 96—When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under the second sentence of rule 30.3 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. However, if the race committee does not display her sail number and she sails in the restarted race, she should be scored BFD, and not DNE.

Case 111—If a boat breaks rule 30.2 or rule 30.3 after a starting sequence that results in a general recall, the race committee is required to penalize her even if the race had been postponed before that starting sequence or if, during a later starting sequence, a postponement was signaled before the starting signal.

Rule 31, Touching a Mark

Appeal 10—Although a boat does not break rule 31 by touching a mark's anchor line, if that causes the mark to be drawn into contact with the boat, she does break it.

Appeal 26—A boat cannot be penalized for touching a finishing mark when she is no longer racing.

Appeal 92—"Doubt" refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Case 77—Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position..

Rule 32.1, Shortening or Abandoning After the Start

Question 100—A race committee may abandon a race after all the boats have finished or retired. If it is on shore, the committee need not announce the abandonment with race signals.

Case 28—When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only

when the change in the mark's position has directly affected the safety or fairness of the competition.

Case 37—Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

Rule 32.2, Shortening or Abandoning after the Start

Appeal 109—A race committee boat may be used as a starting line or finishing line mark at either end of the line. When the course is shortened at a rounding mark, that mark becomes a finishing mark, and is no longer a rounding mark. In the definition Finish, “from the course side” means from the side of the line where the boats sail from the mark that begins the last leg of the course to the finishing line.

PART 4—OTHER REQUIREMENTS WHEN RACING

Rule 41, Outside Help

Case 78—In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.

Case 100—When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it on a public radio channel.

Case 120—‘Information freely available’ in rule 41(c) is information that is available without monetary cost and that may be easily obtained by all boats in a race. Rule 41(c) is a rule that may be changed for an event provided that the procedure established in the rules is followed.

Rule 41(c), Outside Help

Question 93—The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Rule 41(d), Outside Help

Question 93–The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Rule 42, Propulsion

Case 5–A boat that is anchored while racing is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

Case 8–Repeated helm movements to position a boat to gain speed on each of a series of waves generated by a passing vessel are not sculling unless they are forceful, and the increase in speed is the result of a permitted use of the water to increase speed.

Case 69–Momentum of a boat after her preparatory signal that is the result of being propelled by her engine before the signal does not break rule 42.1.

Rule 42.1, Propulsion: Basic Rule

Question 25–Using double rudders in opposition to decrease speed does not break rule 42.

Rule 43.1(a), Competitor Clothing and Equipment

Case 89–A competitor may not wear or otherwise attach to his person a beverage container.

Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty

Appeal 46–The failure of a boat to take a Two-Turns Penalty does not break a rule. A boat may not be disqualified for an incident not described in a valid protest.

Appeal 60–Rule 44.1 does not provide time for a boat to deliberate whether she has broken a rule. If a boat decides too late that she has broken a rule, the penalty provided by rule 44 is not available to her.

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

Appeal 60–Rule 44.1 does not provide time for a boat to deliberate whether she has broken a rule.

If a boat decides too late that she has broken a rule, the penalty provided by rule 44 is not available to her.

Case 19—Interpretation of the term ‘damage’.

Case 99—The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact...if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

Case 107—During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

Case 108—When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after she is no longer touching the mark and is well clear of other boats, and when no question of advantage arises.

Rule 45, Hauling Out; Making Fast; Anchoring

Case 5—A boat that is anchored while racing is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

Rule 46, Person in Charge

Case 40—Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or other person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.

Rule 48, Fog Signals and Lights; Traffic Separation Schemes

Case 109—The IRCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that Case all of the Part 2 rules are replaced. An IRCAS or government rule may be made to apply by including it in the sailing instructions or in

another document governing the event.

Rule 49, Crew Position; Lifelines

Case 4—A competitor may hold a sheet outboard.

Case 36—Positioning of crew members relative to lifelines.

Case 83—Repeated sail trimming with a competitor’s torso outside the lifelines is not permitted.

Rule 49.2, Crew Position; Lifelines

Appeal 72—A crew member briefly leaning out over a boat’s lifelines to hold a spinnaker guy after the pole has been removed in preparation for rounding a mark does not break rule 49.2.

Rule 50.3, Setting and Sheeting Sails: Use of Outriggers

Appeal 23—No part of a crew’s body is an outrigger or fitting.

Appeal 31—A paddle used to support the midsection of a spinnaker is not an outrigger.

Case 4—A competitor may hold a sheet outboard.

Case 97—A jockey pole attached to a spinnaker guy is not an outrigger.

Rule 55, Trash Disposal

Question 110—Broken sail stops made of yarn or rubber bands that fall into the water are trash, even if they are biodegradable. Putting sail stops in the water breaks rule 55. However, rule 55 can be changed in the sailing instructions to permit their use.

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

Section A—Protests; Redress; Rule 69 Action

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

Case 1—A boat that breaks a rule while racing but continues to race may protest over a later incident, even though after the race she is disqualified for her breach.

Case 19—Interpretation of the term ‘damage’.

Case 39—Except when it receives a report of a breach of a class rule or of rule 43 from an equipment inspector or a measurer for an event, a race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitors.

Case 44—A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.

Case 57—The race committee is required to protest only as a result of a report received from an equipment inspector or a measurer appointed for an event. 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.

Case 80—A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term's definition, she may not be scored DNF for failing to sail the course correctly.

Rule 60.1(a), Right to Protest; Right to Request Redress or Rule 69 Action

Appeal 42—It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member is not an interested party because of being the measurer.

Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action

Appeal 18—A boat touching a starting mark but not forcing room breaks only rule 31 (Touching a Mark). A race committee member who is also a member of the protest committee does not become an interested party by the race committee's act of protesting under rule 60.2.

Rule 60.2(b), Right to Protest; Right to Request Redress or Rule 69 Action

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Rule 60.3, Right to Protest; Right to Request Redress or Rule 69 Action

Appeal 84—An appeals committee cannot require a protest committee to protest a boat. A protest committee can decide that a boat not a party to the hearing broke a rule, although it cannot penalize her. A protest committee complying with rule R5.4 by reopening a hearing to provide

additional facts is not entitled to change the decision it made in the original hearing.

Rule 60.3(a)(2), Right to Protest; Right to Request Redress or Rule 69 Action

Appeal 78—A boat that acquires right of way over a second boat and causes the second boat to break a rule of Part 2 in order to keep clear of her, breaks rule 15 by not initially giving the second boat room to keep clear.

Rule 60.3(b), Right to Protest; Right to Request Redress or Rule 69 Action

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Rule 61.1, Protest Requirements: Informing the Protestee

Appeal 61—“First reasonable opportunity” means as soon as practicable, not as soon as convenient.

Case 19—Interpretation of the term ‘damage’.

Case 72—Discussion of the word ‘flag’.

Case 85—If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

Case 112—If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

Rule 61.1(a), Protest Requirements: Informing the Protestee

Appeal 46—The failure of a boat to take a Two-Turns Penalty does not break a rule. A boat may not be disqualified for an incident not described in a valid protest.

Appeal 65—The test of whether two occurrences were one or two incidents is whether the second occurrence was the inevitable result of the first. A boat intending to protest another boat for two incidents during a race, no matter how close in time, must inform the protested boat that two protests will be lodged.

Appeal 66—A 2 inch by 8 inch protest flag on a 40-foot boat is not of sufficient size or of suitable proportions to be “conspicuously displayed.”

Appeal 67—Failure to display a protest flag during a period of time when some member of the crew is not otherwise occupied is a failure to display it “at the first reasonable opportunity.” If a protest flag is not displayed at the first reasonable opportunity, the protest is invalid and the hearing must be closed.

Appeal 82—A boat is not obligated to give priority to displaying a protest flag at the cost of the crew failing to act to keep the boat under control or delaying a spinnaker set.

Rule 61.1(c), Protest Requirements: Informing the Protestee

Appeal 84—An appeals committee cannot require a protest committee to protest a boat. A protest committee can decide that a boat not a party to the hearing broke a rule, although it cannot penalize her. A protest committee complying with rule R5.4 by reopening a hearing to provide additional facts is not entitled to change the decision it made in the original hearing.

Rule 61.2, Protest Requirements: Protest Contents

Case 22—It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

Case 80—A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term’s definition, she may not be scored DNF for failing to sail the course correctly.

Rule 61.2(b), Protest Requirements: Protest Contents

Appeal 46—The failure of a boat to take a Two-Turns Penalty does not break a rule. A boat may not be disqualified for an incident not described in a valid protest.

Rule 61.3, Protest Requirements: Protest Time Limit

Appeal 41—Competitors are entitled to reasonable means to fulfill whatever time requirements there are for delivering a protest. The protest committee must extend the time if there is good reason to do so.

Rule 62, Redress

Appeal 39—The responsibility for a boat’s decision to participate in a race or to continue racing is

hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

Rule 62.1, Redress

Appeal 21—A race committee may use a course length for handicapping purposes that is different from the actual length, provided that the sailing instructions state that this will be done.

Appeal 39—The responsibility for a boat’s decision to participate in a race or to continue racing is hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Case 55—A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

Rule 62.1(a), Redress

Question 44—A race committee that corrects a boat’s score does not act improperly. The boat therefore has no valid claim for redress.

Appeal 54—A race committee is bound by the sailing instructions because they are rules. When a boat’s score in a series is made significantly worse by a race committee action which is contrary to a sailing instruction, the boat is entitled to redress.

Case 37—Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

Case 44—A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.

Case 45—When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

Case 68—The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

Case 71—A hail is not the ‘sound signal’ required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

Case 80—A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term’s definition, she may not be scored DNF for failing to sail the course correctly.

Case 82—When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.

Case 119—When a race is conducted for boats racing under a rating system, the rating that should be used to calculate a boat’s corrected time is her rating at the time the race is sailed. Her score should not be changed if later the rating authority, acting on its own volition, changes her rating.

Rule 62.1(b), Redress

Case 19—Interpretation of the term ‘damage’.

Case 110—A boat physically damaged from contact with a boat that was breaking a rule of Part 2 is eligible for redress only if the damage itself significantly worsened her score. Contact is not necessary for one boat to cause injury or physical damage to another. A worsening of a boat’s score caused by an avoiding manoeuvre is not, by itself, grounds for redress. ‘Injury’ refers to bodily injury to a person and, in rule 62.1(b), ‘damage’ is limited to physical damage to a boat or her equipment.

Case 116—A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining

races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.

Rule 62.1(c), Redress

Case 20—When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

Rule 62.1(d), Redress

Case 34—Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

Rule 62.2, Redress

Appeal 90—“Incident” in rule 62.2 refers to an occurrence that fits within one of the four categories listed in rule 62.1. When a boat is scored OCS and requests redress, the incident is the alleged race committee error made soon after the start of the race. When there is good reason to do so, the protest committee is required to extend the time limit for delivering a request for redress.

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Case 102—When a boat requests redress because of an incident she claims affected her score in a race, and thus in a series, the time limit for making the request is the time limit for the race, rather than a time limit based on the posting of the series results.

Section B—Hearings and Decisions

Rule 63.1, Hearings: Requirement for a Hearing

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Case 1—A boat that breaks a rule while racing but continues to race may protest over a later incident, even though after the race she is disqualified for her breach.

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

Appeal 8—A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet any of these requirements makes the hearing invalid.

Appeal 69—A protest committee must find facts to decide whether or not a protest is valid, basing that decision on evidence taken in a protest hearing in compliance with the rules.

Case 48—Part 5 of the racing rules aims to protect a boat from a miscarriage of justice, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.

Rule 63.3, Hearings: Right to be Present

Case 49—When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

Rule 63.3(a), Hearings: Right to Be Present

Appeal 8—A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet any of these requirements makes the hearing invalid.

Appeal 62—If witnesses can overhear or observe any portion of the hearing except when present to give testimony, they are not “excluded.”

Appeal 63—If the protest committee accepts, without the consent of the parties, written testimony from witnesses who are not available to be questioned, or fails to exclude witnesses except when they are giving their own testimony, the hearing is invalid.

Appeal 69—A protest committee must find facts to decide whether or not a protest is valid, basing that decision on evidence taken in a protest hearing in compliance with the rules.

Rule 63.4, Hearings: Interested Party

Appeal 22—A competitor in a race or series is an interested party. His participation in any part of a protest hearing, except as a witness or a party to the hearing, makes the hearing invalid. Unless rule 70.5 applies, the right of appeal cannot be denied.

Appeal 39—The responsibility for a boat’s decision to participate in a race or to continue racing is hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

Appeal 42—It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member is not an interested party because of being the measurer.

Appeal 107—A protest committee member whose child is competing in a race that includes the parties to the protest is an interested party, because the relationship between the parent and child is a “close personal” one. The protest committee member therefore will have a close personal interest in the protest committee’s decision, and therefore must not take part in the hearing.

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

Appeal 66—A 2 inch by 8 inch protest flag on a 40-foot boat is not of sufficient size or of suitable proportions to be “conspicuously displayed.”

Appeal 69—A protest committee must find facts to decide whether or not a protest is valid, basing that decision on evidence taken in a protest hearing in compliance with the rules.

Case 19—Interpretation of the term ‘damage’.

Case 22—It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

Rule 63.6, Hearings: Taking Evidence and Finding Facts

Appeal 8—A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet any of these requirements makes the hearing invalid.

Appeal 63—If the protest committee accepts, without the consent of the parties, written testimony from witnesses who are not available to be questioned, or fails to exclude witnesses except when they are giving their own testimony, the hearing is invalid.

Appeal 69—A protest committee must find facts to decide whether or not a protest is valid, basing that decision on evidence taken in a protest hearing in compliance with the rules.

Appeal 102—A protest committee may find it difficult to reconcile conflicting testimony, but must not penalize a boat without first finding facts about the incident that led to the protest and basing its decision on them.

Case 104—Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

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

Appeal 113—A protest committee's decision under rule 63.7 regarding which of two conflicting rules applies is not made in a hearing; therefore it cannot be the basis of a request for redress or a reopening. The determining factor for applying rule 63.7 is the protest committee's belief about the fairest result.

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule 64.1, Decisions: Penalties and Exoneration

Appeal 6—A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

Appeal 35—A boat that completes a tack onto starboard need not thereafter remain close-hauled, but is subject to rules 16.1 and 16.2 as she changes course.

Appeal 71—Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

Case 22—It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

Case 26—A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

Case 66—A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority responsible for interpreting the class rules.

Rule 64.1(a), Decisions: Penalties and Exoneration

Appeal 2—When a port-tack leeward boat, on a collision course with a starboard-tack boat, hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she could not avoid breaking it.

Appeal 12—A boat that breaks a rule, but is compelled to do so by a breach of a rule by a third boat, shall be exonerated.

Appeal 19—When a boat makes a timely hail for room to tack to avoid a right-of-way boat, but the hailed boat fails to respond and compels the hailing boat to break a rule, the hailing boat must be exonerated.

Appeal 36—When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

Appeal 51—When she cannot see behind other boats, an obligated boat must anticipate what might appear from the other side of the other boats.

Appeal 78—A boat that acquires right of way over a second boat and causes the second boat to break a rule of Part 2 in order to keep clear of her, breaks rule 15 by not initially giving the second boat room to keep clear.

Appeal 84—An appeals committee cannot require a protest committee to protest a boat. A protest committee can decide that a boat not a party to the hearing broke a rule, although it cannot penalize her. A protest committee complying with rule R5.4 by reopening a hearing to provide additional facts is not entitled to change the decision it made in the original hearing.

Question 86—A boat that touches a finishing mark and then takes a penalty does not finish until she crosses the finishing line after taking her penalty. Exoneration does not provide for cancelling a penalty a boat has taken voluntarily or for compensating her for distance, time or places lost in taking the penalty. A boat that voluntarily takes a penalty and thereby worsens her score is not entitled to redress.

Appeal 92—“Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

Question 101—A right-of-way boat compelled by a keep-clear boat to cross the starting line early is not relieved of her obligation to start as described in the definition Start.

Case 3—A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

Case 28—When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark’s position has directly affected the safety or fairness of the competition.

Case 30—A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

Case 49—When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

Case 51—A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

Case 76—When a right-of-way boat changes course she may break rule 16, even if she is sailing her proper course.

Case 93—If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(a).

Case 95—If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

Rule 64.1(b), Decisions: Penalties and Exoneration

Appeal 56—The sailing instructions may change a rule only if permitted to do so in rule 86.1(b). Denying any of the results of a successful appeal is equivalent to denying the right of appeal. A boat that retires in acknowledgment of breaking a rule in an incident thereby takes a penalty, although she may still be protested for her breach. If valid, the protest must be decided. However, no additional penalty may be imposed, unless the penalty for the rule that she broke is a disqualification that may not be excluded from her series score.

Case 99—The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to 'avoid contact...if reasonably possible' and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat's penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

Case 107—During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may 'act to avoid contact'. When a boat's breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

Rule 64.2, Decisions: Decisions on Redress

Question 44—A race committee that corrects a boat's score does not act improperly. The boat

therefore has no valid claim for redress.

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

Case 45—When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

Case 71—A hail is not the ‘sound signal’ required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

Case 116—A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.

Rule 64.3(a), Decisions: Decisions on Protests Concerning Class Rules

Case 19—Interpretation of the term ‘damage’.

Rule 65.2, Informing the Parties and Others

Appeal 8—A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet any of these requirements makes the hearing invalid.

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly

requested by a party.

Question 111—If an action is not specifically discussed in the rules of Part 5, Section B, a protest committee may act as it considers appropriate.

Rule 66, Reopening a Hearing

Case 115—Interpretation of the word ‘new’ as used in rule 66.

Section C—Gross Misconduct

Rule 69.1(a), Allegations of Gross Misconduct: Obligation not to Commit Gross Misconduct

Case 78—In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat’s progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.

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

Appeal 91—An allegation of misconduct must be sufficiently specific to permit the competitor to prepare a defense.

Case 34—Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

Case 65—When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

Case 67—When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she may be penalized for gross misconduct.

Case 122—An interpretation of the term ‘comfortable satisfaction’.

Section D—Appeals

Rule 70, Appeals and Requests to a National Authority

Appeal 56—The sailing instructions may change a rule only if permitted to do so in rule 86.1(b). Denying any of the results of a successful appeal is equivalent to denying the right of appeal. A boat that retires in acknowledgment of breaking a rule in an incident thereby takes a penalty, although she may still be protested for her breach. If valid, the protest must be decided. However, no additional penalty may be imposed, unless the penalty for the rule that she broke is a disqualification that may not be excluded from her series score.

Rule 70.1, Appeals and Requests to a National Authority

Appeal 64—A boat may appeal a protest decision only if she is a party to the hearing in which the decision was made. A boat is not a party to a hearing merely because her finishing place is affected by a decision on another boat's request for redress. A boat does not become a party to a hearing by requesting that the hearing be reopened.

Case 55—A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

Case 104—Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

Rule 70.5, Appeals and Requests to a National Authority

Appeal 22—A competitor in a race or series is an interested party. His participation in any part of a protest hearing, except as a witness or a party to the hearing, makes the hearing invalid. Unless rule 70.5 applies, the right of appeal cannot be denied.

Rule 71.2, National Authority Decisions

Appeal 8—A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet

any of these requirements makes the hearing invalid.

Appeal 107—A protest committee member whose child is competing in a race that includes the parties to the protest is an interested party, because the relationship between the parent and child is a “close personal” one. The protest committee member therefore will have a close personal interest in the protest committee’s decision, and therefore must not take part in the hearing.

Rule 71.4, National Authority Decisions

Question 99—The ISAF Cases do not have the status of rules but are “authoritative interpretations and explanations of the rules.” Therefore, when the relevant facts from a protest are essentially similar to the facts of a Case, the interpretations in the Case should be accepted by the protest committee as correct interpretations of the racing rules for that protest. Like the ISAF Cases, the published US Sailing appeals are not rules. However, decisions of the US Sailing Appeals Committee are final; therefore, when the relevant facts from a protest are essentially similar to the facts of a US Sailing appeal, and no ISAF Case conflicts with the interpretations in the appeal, a protest committee in the United States is well advised to follow the appeal in making its decision.

Case 61—When the decision of a protest committee is changed or reversed upon appeal, the final standings and the awards must be adjusted accordingly.

PART 6—ENTRY AND QUALIFICATION

Rule 75.1, Entering a Race

Case 40—Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or other person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.

Rule 76.1, Exclusion of Boats or Competitors

Appeal 53—The organizing authority or the race committee may reject or cancel the entry of a boat so long as it states its reason for doing so and complies with the prescription to rule 76.1.

Rule 78.3, Compliance with Class Rules; Certificates

Case 57—The race committee is required to protest only as a result of a report received from an equipment inspector or a measurer appointed for an event. 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.

PART 7—RACE ORGANIZATION

Rule 85, Governing Rules

Appeal 54—A race committee is bound by the sailing instructions because they are rules. When a boat's score in a series is made significantly worse by a race committee action which is contrary to a sailing instruction, the boat is entitled to redress.

Case 44—A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.

Case 66—A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority responsible for interpreting the class rules.

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule 86, Changes to the Racing Rules

Case 32—A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.

Case 85—If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

Case 121—The procedure that must be followed in order to change a racing rule for an event is described in detail.

Rule 86.1(b), Changes to the Racing Rules

Appeal 56—The sailing instructions may change a rule only if permitted to do so in rule 86.1(b).

Denying any of the results of a successful appeal is equivalent to denying the right of appeal. A boat that retires in acknowledgment of breaking a rule in an incident thereby takes a penalty, although she may still be protested for her breach. If valid, the protest must be decided. However, no additional penalty may be imposed, unless the penalty for the rule that she broke is a disqualification that may not be excluded from her series score.

Question 93—The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Rule 86.1(c), Changes to the Racing Rules

Question 87—“Class rules” as used in rule 86.1(c) and elsewhere in the racing rules refers to rules of a class association. A class association is an association of people who, among other things, control the rules that state the physical specifications for boats of that class. Only class associations have the authority to change racing rules under rule 86.1(c).

Rule 86.3, Changes to the Racing Rules

Question 58—Defines “local races.”

Rule 87, Changes to Class Rules

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule 88.2, National Prescriptions

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the

sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule 89.2(a), Notice of Race; Appointment of Race Officials

Question 93–The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Rule 89.2(b), Notice of Race; Appointment of Race Officials

Question 94–At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

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

Appeal 34–Misinterpretation of sailing instructions when their intent is clear does not mean they are ambiguous.

Appeal 40–Changes to sailing instructions, when made ashore, must be in writing and posted on time on the official notice board.

Rule 90.2(a), Race Committee; Sailing Instructions; Scoring: Sailing Instructions

Question 93–The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Rule 90.2(c), Race Committee; Sailing Instructions; Scoring: Sailing Instructions

Question 50–Requiring attendance at a competitors’ meeting does not break a rule. Intended changes in the sailing instructions announced at the competitors’ meeting have no effect unless

they are posted within the required time on the official notice board.

Case 32—A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.

Rule 90.3(c), Race Committee; Sailing Instructions; Scoring: Scoring

Question 44—A race committee that corrects a boat's score does not act improperly. The boat therefore has no valid claim for redress.

Rule 91, Protest Committee

Appeal 42—It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member is not an interested party because of being the measurer.

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

APPENDICES

Rule A3, Starting Times and Finishing Places

Case 119—When a race is conducted for boats racing under a rating system, the rating that should be used to calculate a boat's corrected time is her rating at the time the race is sailed. Her score should not be changed if later the rating authority, acting on its own volition, changes her rating.

Rule A5, Scores Determined by the Race Committee

Case 28—When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

Case 80—A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that

term's definition, she may not be scored DNF for failing to sail the course correctly.

Rule A10, Guidance on Redress

Case 116—A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.

Rule E6.6, Radio Sailing Racing Rules: Redress

Question 94—At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Rule J1.2, Notice of Race Contents

Rule J2, Sailing Instruction Contents

Question 93—The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information.

Appeal 21—A race committee may use a course length for handicapping purposes that is different from the actual length, provided that the sailing instructions state that this will be done.

Appeal 103—When the sailing instructions do not identify which marks are rounding marks as required by the rules, boats are not required to treat any marks as rounding marks.

Case 98—The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Case 121—The procedure that must be followed in order to change a racing rule for an event is described in detail.

Rule R5, Inadequate Facts; Reopening

Case 104—Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

Rule R5.4, Procedures for Appeals and Requests: Inadequate Facts; Reopening

Appeal 84—An appeals committee cannot require a protest committee to protest a boat. A protest committee can decide that a boat not a party to the hearing broke a rule, although it cannot penalize her. A protest committee complying with rule R5.4 by reopening a hearing to provide additional facts is not entitled to change the decision it made in the original hearing.

RACE SIGNALS

Race Signals, X

Question 100—A race committee may abandon a race after all the boats have finished or retired. If it is on shore, the committee need not announce the abandonment with race signals.

Case 31—When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

ISAF REGULATIONS

Regulation 20, Advertising Code

Question 59—Sailbags and turtles are “equipment,” and are subject to the rules of the ISAF Advertising Code.

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Case 38—The International Regulations for Preventing Collisions at Sea (IRPCAS) are intended to ensure the safety of vessels at sea by precluding situations that might lead to collisions. When the IRPCAS right-of-way rules replace the rules of Part 2, they effectively prohibit a right-of-way boat from changing course towards the boat obligated to keep clear when she is close to that boat.

Case 109—The IRPCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRPCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

SECTION-2 APPEALS AND QUESTIONS

APPEAL 2

Doon vs. Esperanza

Cacouette vs. Doon

Rule 10, On Opposite Tacks

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Rule 20, Room to Tack at an Obstruction

Rule 64.1(a), Decisions: Penalties and Exoneration

When a port-tack leeward boat on a collision course with a starboard-tack boat hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. The hailing boat is not compelled to break rule 10 if she can avoid breaking it after it becomes clear that the hailed boat has broken rule 20.2(c). She therefore cannot be exonerated under rule 64.1(a). ~~When a port-tack leeward boat, on a collision course with a starboard-tack boat, hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she could not avoid breaking it.~~

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DIAGRAM

Facts and Decision of the Protest Committee

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Three small scow-type boats approached a windward mark to be left to port, one on starboard tack and two on port tack. *Esperanza* (PW) hailed *Doon* (PL) for mark-room under rule 18.2(b) (Mark-Room: Giving Mark-Room), and PL hailed PW for room to tack under rule 20.1. PW failed to respond. *Cacouette* (S) luffed to avoid a collision, and both PW and PL tacked around the mark inside her.

PL claimed that she did not bear away under the stern of S because she thought that, with the type of boat and the strength of wind, a collision would result. However, the protest committee found that she could have borne away safely or slacked her sheets.

PW was disqualified under rule 20.2(c) on PL's protest and did not appeal. PL was disqualified

under rule 10 on S's protest and she appealed.

Decision of the Appeals Committee

Both PW and PL were ~~required~~~~obligated~~ to keep clear of S, under rule 10 while on port tack and under rule 13 (While Tacking) after passing head to wind while tacking. PW was correctly disqualified for breaking rule 20.2(c), by not responding to a hail for room to tack.

Because PW and PL were overlapped when the first of them reached the zone, rule 18.2(b) began to apply at that time. However, that rule ceased to apply when PL hailed for room to tack (see rule 20.2(e)).

~~When PW failed to respond to PL's hail for room to tack, PL was faced with the necessity of taking alternative action to avoid S. This raises the question of whether she should be exonerated under rule 64.1(a) as the innocent victim of another boat's breach. We think not, since the protest committee found that PL could have gone astern of S after it became clear that PW was not giving her room to tack as required by rule 20.2(c). A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she was compelled by another boat to break a rule. When PW failed to respond to PL's hail for room to tack, PL was faced with the necessity of taking alternative action to avoid S. This raises the question of whether she should be exonerated under rule 64.1(a) as the innocent victim of another boat's breach. We think not, since the protest committee found that she could have gone astern of S. A boat breaking a rule is not entitled to exoneration under rule 64.1(a) unless she was compelled by another boat to break a rule.~~

PL's appeal is denied. The decision of the protest committee is upheld, and both PL and PW remain disqualified.

Note that Appeal 19 addresses a similar incident.

November 1940

Revised January 2017

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APPEAL 3

Red Hed vs. Sea Urchin

Definitions, Mark-Room

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Rule 11, On the Same Tack, Overlapped

Rule 14, Avoiding Contact

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

An inside windward boat, given sufficient mark-room at a mark, is required to keep clear of an outside leeward boat. A right-of-way boat may not be penalized under rule 14 unless there is damage or injury.

DIAGRAM

Facts and Decision of the Protest Committee

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Two boats, 16 feet long, broad-reaching on starboard tack, were approaching a mark to be left to starboard, the next leg being a beat to windward. L established an outside overlap on W from clear astern shortly before W reached the zone. As the boats rounded the mark, W bore away as a consequence of poor seamanship, and L continued to yield in order to avoid contact until the boats were three hull lengths beyond the mark. At that point beam to beam contact occurred without damage or injury.

The protest committee disqualified W for breaking rule 11. W appealed.

Decision of the Association Appeals Committee

The association appeals committee confirmed W's disqualification and also disqualified L for breaking rule 14 by failing to avoid contact. L appealed.

Decision of the Appeals Committee

L was entitled to sail up to her proper course. W failed to keep clear of L, breaking rule 11. Accordingly, W's disqualification is confirmed. In this situation, rule 18.2(b) makes exception to rule 11 only so far as to require the outside boat, although holding right of way, to give the inside boat mark-room. The space to which W is entitled is only that necessary in the circumstances for her, in a seamanlike way, to sail to the mark and then head up to a close-hauled course (see the definition Mark-Room).

The disqualification of L for breaking rule 14 was incorrect. Rule 14(b) expressly provides that,

when the contact causes neither damage nor injury, the right-of-way boat shall be exonerated.

L's appeal is upheld. The decision of the association appeals committee disqualifying L is reversed. The decisions of the association appeals committee and the protest committee regarding W are unchanged.

July 1941

APPEAL 4

Solenta vs. Mist

Definitions, Proper Course

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Rule 17, On the Same Tack; Proper Course

Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

When a boat intervenes between two others on the same tack, her proper course is to keep clear of the leeward boat.

DIAGRAM

Facts and Decision of the Protest Committee

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While sailing on a broad reach towards a leeward mark, *Mist* (M) overtook *Solenta* (W) and L, and obtained an overlap between them when they were about 50 feet apart. The boats were about 25 feet in length. L luffed slightly and M responded, but W maintained her course and trimmed in her mainsail to avoid contact with M.

W protested M, claiming she broke rule 17, in that, as a leeward boat having become overlapped from clear astern, she had sailed above her proper course. The protest committee disqualified M, who appealed the decision.

Decision of the Appeals Committee

When M became overlapped with W, W was able to give M room to pass L, an obstruction; therefore W was required to give M room to pass L under rule 19.2(b), and was also required by

rule 11 (On the Same Tack, Overlapped) to keep clear of M. Concerning W's argument, M's proper course in the absence of W, the other boat referred to in rule 17 (see the definition Proper Course), was to luff in response to L's luff, which she did as required by rule 11.

M's appeal is upheld. The decision of the protest committee is reversed, and M is reinstated in her finishing place. Since W kept clear of M by trimming in her mainsail, she complied with rule 11 and also gave M room as required by rule 19.2(b).

February 1942

APPEAL 5

L vs. M and W

Part 2, Section C Preamble

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Rule 18.2, Mark-Room: Giving Mark-Room

Ignorance of the rules is no excuse for breaking a rule. A boat without right to mark-room that takes room given in error breaks no rule.

DIAGRAM

Facts and Decision of the Protest Committee

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Three boats, W, M, and L, were approaching the starting line on port tack to start at the port-end mark. L was close-hauled and heading just to leeward of the mark. W and M converged with L and compelled her, in order to avoid a collision, to bear away and allow them room to pass between her and the mark. Both W and M took advantage of the room provided by L to pass between L and the mark. L protested both M and W for breaking rule 11 (On the Same Tack, Overlapped).

At the hearing, M stated that she was unaware of the preamble to Section C. She thought that she had to give mark-room to W under rule 18.2(a), and L had to give mark-room to both M and W. W knew she was not entitled to mark-room at the mark, and she had made no such claim, but simply took advantage of the room given by M, and passed between her and the mark.

The protest committee disqualified both M and W for breaking rule 11. W appealed.

Decision of the Appeals Committee

Since L did not owe M mark-room under rule 18, because of the exception in the Section C preamble, M's disqualification for breaking rule 11 is upheld. Ignorance of the rules is no excuse for breaking a rule.

With regard to the disqualification of W, when a boat voluntarily or unintentionally makes room available to another boat that, under the rules, has no right to that room and makes no claim to it, that other boat may take advantage, at her own risk, of the room so given. In that case, she breaks no rule.

W's appeal is upheld. The decision of the protest committee disqualifying W is reversed, and she is reinstated in her finishing place. M remains disqualified.

December

1950

APPEAL 6

Great Scot and Jolee vs. Black Jac

Definitions, Obstruction

Definitions, Room

Rule 10, On Opposite Tacks

Rule 11, On the Same Tack, Overlapped

Rule 21, Exoneration

Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

Rule 64.1, Decisions: Penalties and Exoneration

A leeward port-tack boat must give a windward port-tack boat room to pass a starboard-tack boat that is an obstruction. Rule 64.1 permits the disqualification of a boat that was a party to a protest hearing, even if she was not protested.

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DIAGRAM

Facts and Decision of the Protest Committee

Three Thistles, *Jolee* (WS), *Black Jac* (M), and *Great Scot* (L), were broad-reaching on port tack on approximately parallel courses toward a distant mark. WS and L were separated by about five hull lengths when M intervened and established an overlap on both WS and L. Midway between positions 3 and 4 in the diagram, WS gybed onto starboard tack to close with the mark. Shortly afterward, L luffed, forcing M to luff into the path of WS. WS, in order to avoid a collision, luffed sharply and passed astern of both M and L. M stopped luffing because of the proximity of WS, and M and L collided. There was no damage or injury.

WS protested M for breaking rule 10, and L protested M for breaking rule 11. The protest committee dismissed L's protest against M on the grounds that she did not have the right to force M into the path of WS when both M and L were obligated to keep clear of WS. Although M broke rule 10, the protest committee exonerated her on the grounds that it was L's improper luff that prevented M from keeping clear of WS. M did not break rule 14, because it was not reasonably possible for her to avoid contact with L. L broke rule 14, but was not disqualified under that rule because there was no damage or injury. The protest committee disqualified L under rules 16.1 (Changing Course) and 19.2(b), and she appealed.

Decision of the Appeals Committee

At position 4, WS, on starboard tack, had right of way over both M and L, and was therefore an obstruction to both of them. M, overlapped inside L, was entitled, under rule 19.2(b), to room from L to pass the obstruction. L failed to give her that room. Furthermore, when L luffed she was required by rule 16.1 to give M room to keep clear, which she also failed to do.

M broke rule 10, but since she was the victim of another boat's breach of the rules, namely L's failure to give her room, she was correctly exonerated under rule 21(a).

Inasmuch as L was a party to a hearing, she was subject to penalty under rule 64.1 even though she had not been protested.

L's appeal is denied. The decisions of the protest committee to disqualify L and exonerate M are upheld.

November 1951

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APPEAL 8

Lemolo Request for Redress

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

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Rule 63.3(a), Hearings: Right to Be Present

Rule 63.6, Hearings: Taking Evidence and Finding Facts

Rule 65.2, Informing the Parties and Others

Rule 71.2, National Authority Decisions

A protest must be made available to the parties, but providing a copy is not required. A written decision is not necessary unless requested by one of the parties. However, each party is entitled to be represented at the hearing and witnesses must be allowed to testify. Failure to meet any of these requirements makes the hearing invalid.

Facts and Decision of the Protest Committee

Lemolo (X) was disqualified for breaking a rule of Part 2 and appealed. She contended that, since the procedures followed by the protest committee in the hearing did not conform to many of the requirements in rule 63 (Hearings), her disqualification should be set aside.

The grounds for her appeal were that: neither the protest nor a copy of it had been furnished to her; her representative had not been allowed to be present during Y's testimony; witnesses waiting to be heard were not permitted to testify; and a copy of the decision was not communicated to her in writing as required by rule 65.2.

The protest committee responded that its failure to comply with the provisions of rule 63 on the last day of a regatta was because "It had to deal with a large number of protests on that day. The wind was light, and the races were not completed until fairly late in the afternoon. The committee just did not have time to comply with all the formalities usually required."

Decision of the Appeals Committee

Rule 63.2 required that the protest be made available to her, but not that it be “furnished” or given to her with no request from her. There is no evidence that it was not available. Rule 65.2 requires that a protest committee give a party its decision in writing, but only if the party asks for it. There is no evidence that the appellant did so. However, the protest committee should not have excluded X’s representative from the hearing, or prevented witnesses from testifying (see rule 63.3(a) and rule 63.6).

X’s appeal is upheld. The protest committee’s errors made the hearing invalid; therefore the decision of the protest committee is nullified. However, because those errors are correctable, the protest is returned for a new hearing and decision by the same protest committee, as permitted by rule 71.2.

December 1953

APPEAL 10

Race Committee vs. Lightning 2732

Definitions, Mark

Rule 31, Touching a Mark

Although a boat does not break rule 31 by touching a mark’s anchor line, if that causes the mark to be drawn into contact with the boat, she does break it.

Facts and Decision of the Protest Committee

The protest committee disqualified *Lightning 2732* for breaking rule 31, in that she touched a mark and did not exonerate herself under rule 44.2 (One-Turn and Two-Turns Penalties). She cleared the mark by five feet or more, but it was drawn against her hull as she rounded. This was a consequence of its submerged anchor line passing along the forward edge of her centerboard, the bottom of which was almost five feet below the surface. *Lightning 2732* appealed.

Decision of the Appeals Committee

An anchor line, as stated in the definition Mark, is not part of a mark. Therefore, there is no penalty for touching it. If, however, fouling its anchor line causes the mark to be drawn against the boat, the boat has broken rule 31.

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Lightning 2732's appeal is denied. The decision of the protest committee is upheld, and *Lightning 2732* remains disqualified.

December 1954

APPEAL 12

Julie vs. Solution

Rule 16.1, Changing Course

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Rule 64.1(a), Decisions: Penalties and Exoneration

A boat that breaks a rule, but is compelled to do so by a breach of a rule by a third boat, shall be exonerated.

DIAGRAM

Facts and Decision of the Protest Committee

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Before the preparatory signal, PW and *Julie* (PL) were approaching *Solution* (S), on starboard tack, on converging courses. All three were relatively large boats. The wind was very light, and all boats were moving slowly, but S somewhat faster than the others. At position 2, about one minute after the preparatory signal, PW attempted to tack but lost way and was head to wind when S, having held her course until she was about eight feet from PW, then turned to port about 60 degrees to avoid contact with PW.

The drastic turn by S to avoid PW resulted in a collision between S and PL; otherwise PL would have passed well to leeward of S. There was ample room for S to pass astern of PW and to windward of PL without causing PL to change course. S attempted to do so and hailed PL that she was turning to starboard. However S failed to respond to her helm and hit PL amidships at approximately right angles.

S protested PW and PL under rule 10 (On Opposite Tacks), and PL protested S for breaking rule 16.1 by changing course and failing to give PL room to keep clear. The protest committee disqualified PW for breaking rule 10, disqualified S for breaking rule 16.1, and dismissed S's protest against PL. S appealed.

Decision of the Association Appeals Committee

The association appeals committee reversed the decision of the protest committee with respect to S and PL, reinstated S, and disqualified PL for breaking rule 10. PL appealed.

Decision of the Appeals Committee

PL was under no obligation to foresee that S would be unable to reverse course, particularly in view of S’s hail that she was turning to starboard. Furthermore, it is doubtful that PL could have avoided the collision by changing her course after it became apparent to her that a collision was imminent. Indeed, the facts do not disclose any failure on PL’s part to act as required by the rules.

When S bore away to avoid PW, she changed course so as to prevent PL from keeping clear, breaking rule 16.1. However, rule 64.1(a) gives recognition to extenuating circumstances, by providing for the exoneration of a boat that was compelled to break a rule. The principle is that the boat that caused the trouble should be penalized, rather than some other boat (often referred to as the innocent victim).

While S might have changed course before she did, she was under no obligation, in the circumstances, to foresee sooner that PW would not clear her. Inasmuch as S’s change of course and the subsequent collision between S and PL were the direct consequences of PW’s breach of rule 10, S and PL were entitled to be exonerated under rule 64.1(a). Because it was not reasonably possible for S to avoid the collision, she did not break rule 14.

PL’s appeal is upheld. The decisions of both the association appeals committee and the protest committee with respect to S and PL are changed. PL is reinstated in her finishing place, S is exonerated, and PW remains disqualified.

August 1958

APPEAL 13

L vs. W

Definitions, Proper Course

Rule 11, On the Same Tack, Overlapped

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~~Rule 15, Acquiring Right of Way~~

Rule 17, On the Same Tack; Proper Course

Different boats may have different proper courses at any given moment. When those proper courses conflict, the leeward boat subject to rule 17~~right of way boat~~ is entitled to sail her proper course.

DIAGRAM

Facts and Decision of the Protest Committee

About 1.2 miles from the leeward mark, L and W were broad-reaching on starboard tack, W using only her main and jib and L carrying a spinnaker. L established a leeward overlap from astern, which continued for at least eight to ten hull lengths when L bore away to try to avoid contact. W was not heading below the leeward mark.

When the overlap was first established, L was between one and two of her lengths to leeward. She did not change course until just before the collision. W hailed L twice before the collision. L did not hear the hails and was unaware that a collision was imminent. No damage or injury resulted from the collision. The protest committee disqualified W under rule 11 for failing to keep clear and under rule 14 for failing to avoid contact. It also decided that L broke rule 14, but could not be penalized for that breach because the contact did not cause damage or injury. W appealed.

Decision of the Appeals Committee

The protest committee found that when L first established her overlap she was at least a hull length to leeward of W. That being so, there can be no question that L “initially” gave W room to keep clear as required by rule 15. W was required to keep clear under rule 11. Conversely, L, having been clear astern before the overlap began, was required by rule 17 not to sail above her proper course while the boats remained on the same tack and overlapped within two lengths.

Different boats may have different proper courses at any moment depending on the circumstances. However, when those proper courses put the boats on converging courses, the windward boat must keep clear of the leeward boat.

L’s proper course was the course that she would sail, in the absence of W (the other boat referred to in rule 17), to finish as quickly as possible. The mark was a considerable distance away. There is no evidence that L was sailing above her proper course. Thus, she was fulfilling her requirement with respect to rule 17. W was required by rule 11 to keep clear of L, and she failed

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to do so.

W's appeal is denied, the decision of the protest committee is upheld, and W remains disqualified.

February 1959

APPEAL 15

Brigadoon vs. Magoo

Definitions, Obstruction

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Rule 20, Room to Tack at an Obstruction

Rule 21(a), Exoneration

A boat is permitted to hail another for room to tack when a substantial course change is required for her to avoid the obstruction.

DIAGRAM

Facts and Decision of the Protest Committee

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Brigadoon (W) and Magoo (L) were sailing on a windward leg with L to leeward and clear ahead. Both were on starboard tack and approaching a 50-foot police launch that was aiding a capsized boat. The police launch was close to the capsized boat, which was to leeward of the launch. L could not pass to windward of the launch without changing course and hailed W for room to tack. A few seconds later L ~~then~~ tacked and W, instead of tacking or replying 'You tack,' bore away to clear her.

W protested L on the grounds that L was not entitled by rule 20.1 to hail W for room to tack. The protest committee disqualified L, stating that "L could have avoided the obstruction by bearing away herself. There was open water all around it." L appealed.

Decision of the Appeals Committee

The police launch was an obstruction since L could not pass it without "changing course substantially" if she were "one of her hull lengths from it." This, however, did not necessarily give her the right to hail W for room to tack. If she had approached the police launch sufficiently

close to its leeward end so that, with only a slight change of course when one of her hull lengths from it, she could have safely passed to leeward of it, she should have done so. That was not the case here. As is clear in the diagram, L's course brought her close to the windward end of the police launch. She had to either tack to pass it to windward or bear away substantially to pass it to leeward. Inasmuch as she was required to change course substantially to clear the obstruction whichever side she passed it, she had a right under rule 20.1 to hail W for room to tack.

Rule 20.2+ covers this situation, ~~and~~ L complied with rule 20.2(a) its requirements. When L hailed, rules 20.2(b) and 20.2(c) required W to respond by tacking as soon as possible, or by immediately replying 'You tack,' even if she thought L's hail was not permitted by rule 20.1 ~~(a)~~, ~~(b)~~ or ~~(c)~~. W failed to do so. L's tack broke rule 13 or rule 10, but she is exonerated under rule 21(a).

L's appeal is upheld, the decision of the protest committee is reversed, L is reinstated in her finishing place, and W is disqualified for breaking rule 20.2(c).

December 1959

APPEAL 16

Flying Dutchman USA 546 vs. Flying Dutchman USA 800

Definitions, Racing

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Part 2 Preamble

Rule 14, Avoiding Contact

Rule 24.1, Interfering with Another Boat

When no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing and is not subject to penalty, unless she breaks rule 14 and causes injury or serious damage, or interferes with a boat still racing. Rule 14 applies to a boat that is racing, even if the contact is with a boat no longer racing.

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~~When no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. A boat that has finished and cleared the finishing line and its marks is no longer racing and is not subject to penalty, unless she interferes with a boat still racing. Rule 14 applies to a boat that is racing, even if the contact is with a boat no longer racing.~~

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DIAGRAM (new)

Facts and Decision of the Protest Committee

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In a race of a Flying Dutchman national championship in light wind, USA 800 was to leeward and approximately two hull lengths ahead of USA 546 as the boats approached the finishing line. Both boats were beating on starboard tack. At the finishing line, USA 800 luffed head to wind and finished first. As she cleared the finishing line her genoa backwinded, and she was forced onto port tack. USA 546 saw USA 800 tack and could have borne away to avoid the contact, but failed to do so. Contact occurred after USA 546 had finished but had not yet cleared the finishing line. Damage that was not serious resulted from the contact. USA 546 protested under rule 10 (On Opposite Tacks) and rule 24.1.

The protest committee dismissed the protest, stating that because USA 800 had finished and cleared the finishing line, she was no longer racing and therefore not subject to disqualification.

USA 546 appealed, on the grounds that "clears the finishing line" must be interpreted to mean that a boat continues racing until she is sufficiently far from the finishing line that her maneuvers will no longer affect other boats that are still racing.

Decision of the Appeals Committee

It is clear that USA 800 broke rule 10 and rule 14 (Avoiding Contact). The question is whether she was still subject to disqualification. The preamble to Part 2 states: "... a boat not racing shall not be penalized for breaking one of these rules, except rule 14 when the incident resulted in injury or serious damage, or rule 24.1." The definition Racing states: "A boat is racing...until she finishes and clears the finishing line and marks..." Failure to clear the finishing marks is not at issue here; and when no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. Therefore USA 800 was no longer racing at the time of the incident and cannot be penalized for breaking a rule of Part 2 (When Boats Meet), except rules 14 and 24.1.

The damage was not serious, therefore USA 800 is not penalized for breaking rule 14. Rule 24.1 states: "If reasonably possible, a boat not racing shall not interfere with a boat that is

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racing.” In this case, USA 800 was not racing, but interfered with USA 546 who was still racing. Furthermore, it was clearly possible for her to avoid the incident. Therefore, the decision of the protest committee is changed to disqualify USA 800 for breaking rule 24.1. To that extent, USA 546’s appeal is sustained.

However, USA 546, because she had not yet cleared the finishing line, was still racing at the time of the incident. Therefore she was obligated by rule 14, even though she was the right-of-way boat, to avoid contact if it was reasonably possible to do so. When USA 800 completed her tack, it was clear to USA 546 that USA 800 was not keeping clear. At that point it was reasonably possible for USA 546 to have avoided contact, but she failed to do so (see rule 14(a)). Therefore USA 546 broke rule 14, and is to be penalized because there was damage.

USA 546’s appeal is upheld. The decision of the protest committee is changed. Both USA 546 and USA 800 are disqualified.

January 1965

Revised January 2017

Facts and Decision of the Protest Committee

~~In a race of a Flying Dutchman national championship, USA 800 finished first, to leeward and one and a half or more hull lengths ahead of USA 546. Both boats were beating on starboard tack. USA 800 luffed head to wind to finish, her genoa backwinded, and she was forced onto port tack. She was then hit by USA 546, who protested under rule 13 (While Tacking). Damage resulted from the contact.~~

~~The protest committee dismissed the protest, because USA 800 had finished and cleared the finishing line. No part of her hull or equipment was still on the line. Therefore, she was no longer racing or subject to disqualification.~~

~~USA 546 appealed, on the grounds that “clears the finishing line” must be interpreted to mean that a boat continues racing until she is sufficiently far from the finishing line that her maneuvers will no longer affect other boats that are still racing, and also that rule 23.1 applied.~~

Decision of the Appeals Committee

~~It is clear that USA 800 broke either rule 13 or rule 10 (On Opposite Tacks). The question is whether she was still subject to disqualification. The preamble to Part 2 states: “...a boat not racing shall not be penalized for breaking one of these rules, except rule 24.1.” The definition Racing states: “A boat is racing...until she finishes and clears the finishing line and marks...”~~

~~Failure to clear the finishing marks is not at issue here, and when no part of a boat's hull, equipment or crew is still on the finishing line, she has cleared it. Therefore USA 800 was no longer racing at the time of the incident and cannot be penalized for breaking a rule of Part 2 (When Boats Meet), except rule 24.1.~~

~~Rule 24.1 states: "If reasonably possible, a boat not racing shall not interfere with a boat that is racing." In this case, USA 800 was not racing, but interfered with USA 546 who was still racing. Furthermore, it was clearly possible for her to avoid the incident. Therefore, the decision of the protest committee is changed to disqualify USA 800 for breaking rule 24.1. To that extent, USA 546's appeal is sustained.~~

~~However, USA 546 was racing at the time of the incident, and was obligated by rule 14, even though she was the right of way boat, to avoid the contact if it was reasonably possible to do so. As USA 800 tacked, USA 546 could have borne away to avoid the contact, but she failed to do so, and therefore USA 546 broke rule 14, and is to be penalized because there was damage.~~

~~USA 546's appeal is upheld. The decision of the protest committee is changed. Both USA 546 and USA 800 are disqualified.~~

~~January 1965~~

APPEAL 17

Windmill 934 vs. Windmill 1367

Rule 13, While Tacking

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Rule 14, Avoiding Contact

"Head to wind" refers to the bow and centerline of a boat, not the position of her sails.

DIAGRAM (in L4, have the sails be similar to the sails on W4)

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Facts and Decision of the Protest Committee

Windmill 1367 (L) tacked from port to starboard into a position to leeward of Windmill 934 (W), which was beating along the lay line to the mark. W, sailing faster, began passing L to windward,

allowing three to four feet clearance. L changed course in two stages until head to wind. That position was evidenced by the fact that both boats' mains were luffing, and L's boom was along her centerline. Her jib was luffing from side to side. The boats drifted together with no damage or injury. W protested L under rule 13, and L protested W under rule 11 (On the Same Tack, Overlapped) claiming that she had the right to sail up to head to wind provided she met her requirement under rule 16.1 (Changing Course) to give W room to keep clear.

The protest committee decided that L did not go beyond head to wind. It also decided that L had given W room to keep clear. It disqualified W for breaking rule 11, and dismissed W's protest. The committee noted that W broke rule 14 but, because W was entitled to "room" under rule 16.1 and the contact did not result in damage or injury, she is exonerated for that breach under rule 14(b).

~~Her jib was still cleated on the port side, however, and it consequently back-winded, causing the boats to drift together with no damage or injury.~~

~~W protested L under rule 13, and L protested W under rule 11 (On the Same Tack, Overlapped) claiming that she had the right to sail above her proper course provided she met her requirement under rule 16.1 (Changing Course) to give W room to keep clear.~~

~~The protest committee decided that L did not go beyond head to wind. It also decided that L had given W room to keep clear. It disqualified W for breaking rule 11, and dismissed W's protest. The committee noted that W broke rule 14 but, because the contact did not result in damage or injury, she is exonerated for that breach.~~

W appealed and the protest committee requested confirmation or correction of its decision under rule 70.2 (Appeals and Requests to a National Authority), believing that reasonable doubt existed as to the determination of "head to wind," which was assumed to be when the centerline of the hull is parallel to the wind with bow upwind, irrespective of the position of sails.

Decision of the Appeals Committee

A boat is head to wind when her bow is facing the wind, and the centerline of her hull is parallel to it, irrespective of the position of her sails.

W's appeal is denied, the decision of the protest committee is confirmed, and W remains disqualified.

September 1965

Revised January 2017

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APPEAL 18

Race Committee vs. Lightning 9453

Definitions, Conflict of Interest

Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action

Rule 63.4, Conflict of Interest

A race committee member who is also a member of the protest committee does not have a conflict of interest solely by the race committee's act of protesting under rule 60.2.

DIAGRAM – delete diagram

Facts and Decision of the Protest Committee

While starting, Lightning 9453 touched the starting mark which was a race committee boat. The race committee, acting under rule 60.2(a), protested her. The sailing instructions stated that the prescription to rule 63.4 did not apply. The protest committee, which included a member of the race committee, heard the protest and disqualified Lightning 9453 for breaking rule 31 (Touching a Mark).

Lightning 9453 appealed, arguing in part that a member of the protest committee had also served on the race committee, and therefore had a conflict of interest.

Decision of the Appeals Committee

The definition Conflict of Interest includes a person who “may gain or lose as a result of a decision to which he contributes...or has a close personal interest in the decision.” A member of the race committee does not have a conflict of interest merely because the race committee protests a boat as permitted in rule 60.2(a).

Lightning 9453's appeal is denied, and the decision of the protest committee is upheld. Lightning 9453 remains disqualified.

October 1966

Revised January 2017

Lightning 9453 vs. Lightning 9101

Definitions, Interested Party

Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action

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A boat touching a starting mark but not forcing room breaks only rule 31 (Touching a Mark). A race committee member who is also a member of the protest committee does not become an interested party by the race committee's act of protesting under rule 60.2.

DIAGRAM

Facts and Decision of the Protest Committee

Three boats of the Lightning class started on starboard tack at the starboard, committee boat end of the starting line. LA passed fairly near the committee boat, close hauled and clear ahead of *Lightning 9101* (LB), also close hauled. *Lightning 9453* (W) reached in to pass astern of the committee boat, which she touched while changing course to avoid LA and LB.

W protested LB under rule 15 (Acquiring Right of Way) for not initially giving W room to keep clear after establishing an overlap to leeward from clear astern. The race committee, acting under rule 60.2(a), protested W because she touched the committee boat. The sailing instructions stated that the prescription to rule 63.4 (Interested Party) did not apply.

The protest committee, which included a member of the race committee, acted on both protests. It first dismissed W's protest against LB. It found that W had changed course, thereby giving LB the right of way by her own actions; therefore rule 15 did not apply. The protest committee then acted on the race committee's protest and disqualified W for breaking rule 31 (Touching a Mark), having found that she hit the race committee boat.

W appealed, arguing in part that a member of the protest committee had also served on the race committee, and was therefore an interested party.

Decision of the Association Appeals Committee

The association appeals committee ruled that the facts found by the protest committee were clear and supported its decision. The appeals committee also stated its opinion that an interested party must be one who would benefit in some specific manner from a decision favorable to him. Hence, it denied the appeal. W appealed again on the same grounds.

Decision of the Appeals Committee

The definition Interested Party is "A person who may gain or lose as a result of a protest committee's decision, or who has a close personal interest in the decision." A member of the race committee is not an interested party merely because the race committee protests a boat as permitted in rule 60.2(a).

W's appeal is denied, and the decisions of the protest committee and the association appeals

~~committee are upheld. W remains disqualified.~~

~~October 1966~~

APPEAL 19

El Cordobes vs. Beachcomber and Diablo

Rule 20.2(c~~b~~), Room to Tack at an Obstruction: Responding

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Rule 64.1(a), Decisions: Penalties and Exoneration

~~*When a port-tack leeward boat on a collision course with a starboard-tack boat hails the port-tack windward boat for room to tack and she fails to respond, the port-tack leeward boat's obligation under rule 10 continues. When the hailing boat cannot avoid breaking rule 10 after it becomes clear that the hailed boat has broken rule 20.2(c), the hailing boat has been compelled to break rule 10 and is exonerated under rule 64.1(a). When a boat makes a timely hail for room to tack to avoid a right-of-way boat, but the hailed boat fails to respond and compels the hailing boat to break a rule, the hailing boat must be exonerated.*~~

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DIAGRAM

Facts and Decision of the Protest Committee

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Three boats of the Dragon class, *Diablo* (PW), *Beachcomber* (PL), and *El Cordobes* (S) were close-hauled on port tack. S, which was to leeward and ahead of both PW and PL, tacked to starboard. S completed her tack in compliance with rule 15 (Acquiring Right of Way).

Twice, PL hailed PW to tack, so that she also could tack and avoid S. By the time it was clear that PW would not respond, it was too late for PL to make any alternative maneuver without interfering with the oncoming S. PL called to S that she could not respond, whereupon S tacked back to port to avoid a collision.

S protested PL and PW under rule 10 (On Opposite Tacks). PL protested PW under rule 20.2(c~~b~~). The protest committee disqualified PW and PL under the rules cited. PL appealed.

Decision of the Appeals Committee

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Inasmuch as PL would have had to make a substantial course change to pass astern of S, even if she had borne away instantly when S tacked to starboard, PL's hail did not break rule 20.1. PW did not respond to PL's hail as required by rule 20.2(c) and was properly disqualified. However, she did not break rule 10 because at no time was she failing to keep clear of S. By the time it was clear that PW was not giving PL room to tack as required by rule 20.2(c), it was too late for PL to keep clear of S by bearing away. Therefore PL was compelled to break rule 10 as a consequence of PW's breaking rule 20.2(c), so PL is exonerated under rule 64.1(a).

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PL's appeal is upheld, and the decision of the protest committee is changed. PW remains disqualified, but PL is reinstated in her finishing place.

Note that Appeal 2 addresses a similar incident.

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~~Inasmuch as PL would have had to make a substantial course change to pass astern of S, even if she had borne away instantly when S tacked to starboard, PL's hail did not break rule 20.1 (Room to Tack at an Obstruction: Hailing). However, by the time it was clear that PW would not respond, it was too late for PL to avoid S by bearing away. PW was properly disqualified for breaking rule 20.2(b), but she did not break rule 10 because at no time was she failing to keep clear of S.~~

~~Since PL was compelled to break a rule as a consequence of PW's breaking rule 20.2(b), PL is exonerated under rule 64.1(a).~~

~~PL's appeal is upheld, and the decision of the protest committee is changed. PW remains disqualified, but PL is reinstated in her finishing place.~~

October 1967

Revised January 2017

APPEAL 20

International 110 664 vs. International 110 64

Definitions, Mark-Room

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Rule 11, On the Same Tack, Overlapped

Rule 14, Avoiding Contact

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

Mark-room is not defined to allow an inside boat without right of way to sail to a mark in a tactically desirable manner.

DIAGRAM

Facts and Decision of the Protest Committee

International 110 664 (OL) and International 110 64 (IW) approached the leeward mark after a series of maneuvers for favorable position. When IW reached the zone, OL was overlapping her on the outside.

Both boats bore away from a direct course to the mark, and a collision (with no damage or injury) occurred when IW was about one length from the mark and sailing a course that would result in her passing about one length abeam of the mark. Both boats protested.

The protest committee held that IW, as an inside boat, was entitled to sufficient room to sail so as “to finish as quickly as possible” and that OL did not give sufficient room for IW to do so. Accordingly, it dismissed OL’s protest and disqualified her for breaking rule 18.2(b).

OL appealed on the grounds that she gave IW more than enough room to sail to the mark, stating that she did not force IW to go close to or be in danger of touching the mark.

Decision of the Appeals Committee

As the boats sailed to the mark in the zone, OL continued to be the right-of-way boat and IW was required to keep clear by rule 11. Rule 18.2(b) required OL to give IW mark-room, which is the space IW needed to sail to the mark in a seamanlike way, and not the space she would take to sail to the mark in a tactically desirable manner. In this case, IW was sailing a course that would bring her approximately one length abeam of the mark. That was space enough for another boat of the same class, even with her mainsail fully out, to sail inside IW without contacting either her or the mark. This space was clearly more than needed by IW to sail to the mark in a seamanlike way.

Therefore IW was not sailing within the mark-room to which she was entitled, and she is therefore not exonerated under rule 21, Exoneration.

It was reasonably possible for both boats to avoid contact; therefore they both broke rule 14. However, both boats are exonerated for breaking rule 14 because OL was the right-of-way boat

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and IW was entitled to mark-room, and the contact did not cause damage or injury (see rule 14(b)).

OL's appeal is upheld, and the decision of the protest committee is changed. IW is disqualified for breaking rule 11, and OL is reinstated in her finishing place.

May 1968

APPEAL 21

Inferno Request for Redress

Rule 62.1, Redress

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Rule J2.2(167), Sailing Instruction Contents

A race committee may use a course length for handicapping purposes that is different from the actual length, provided that the sailing instructions state that this will be done.

Facts and Decision of the Protest Committee

The sailing instructions stated that the length of the course would be 34.5 statute miles, but in fact it was approximately 34.0 statute miles. The race committee was aware of the difference and intentionally used a length of 34.5 miles for handicapping purposes. *Inferno* requested redress because of the discrepancy. The protest committee denied the request on the grounds that the race committee had the right to adjust the course length for handicapping purposes, and because *Inferno*, having received the sailing instructions when she entered the race, was aware of the course length to be used. It therefore decided that her score was not affected "through no fault of her own." *Inferno* appealed.

Decision of the Appeals Committee

A race committee may use a course length chosen for handicapping purposes but the sailing instructions must state that it will do so. Wording such as "The approximate length of the course is 34.0 statute miles but 34.5 miles will be used for handicapping" would have complied with rule J2.2(167). The phrase "through no fault of her own" in rule 62.1 did not make *Inferno*'s request for redress invalid; she bore no responsibility for the race committee's failure to include its intentions

in the sailing instructions. *Inferno*'s appeal is upheld and the decision of the protest committee is reversed. The race is to be scored using 34.0 miles for handicapping purposes.

May 1969

APPEAL 22

Wayfarer 1115 vs. Wayfarer 1030 and others

Definitions, ~~Interested Party~~, Conflict of Interest

Rule 63.4, Hearings: Conflict of Interest

A competitor in a race or series ~~has a conflict of interest~~~~is an interested party~~. His participation in any part of a protest hearing, except as a witness or a party to the hearing, makes the hearing invalid unless all parties have consented to his participation, or the protest committee has decided that the conflict is not significant. Unless rule 70.5 applies, the right of appeal cannot be denied.

Facts and Decision of the Protest Committee

Following the final race of the Wayfarer class national championship, *Wayfarer 1115*, sailed by the class commodore, protested the first five boats in the final standings for measurement discrepancies. *Wayfarer 1115* herself was one of these, as was *Wayfarer 1030*, sailed by the chief measurer.

The sailing instructions and the notice of race contained the following statements:

Boats must be measured before the regatta, and owners must present valid measurement certificates upon registration. All boats are subject to protest for measurement discrepancies. Measurement will be under the direct supervision of the measurer of the United States Wayfarer Association.

The decision of the regatta committee or any of its subcommittees with regard to, but not limited to...the disqualification of boats, will be final.

Wayfarer 1752 objected to the composition of the committee, claiming that several of its members ~~had conflicts of interest~~ ~~were interested parties~~ because they were competitors.

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Seven boats, one of which, *Wayfarer 1752*, lacked a valid certificate, were measured after the series. *Wayfarer 1752*, which finished first, was disqualified for having 14 pounds of corrective weight two feet forward of where it was required to be. The boats that finished 5th and 6th were disqualified for having black bands in incorrect positions on their spars. A small discrepancy was found in the location of the bilge keel of *Wayfarer 1030*, but since it had previously been accepted by the national committee of the class, the boat was not disqualified.

Most of the members of the regatta committee were competitors. Those in contention for a prize did not participate in the decision, but did participate in the discussion and measuring that preceded it. Other members of the regatta committee not in contention for prizes participated in the decision. The committee did not decide that the conflicts of interest were not significant. *Wayfarer 1752* appealed.

Decision of the Appeals Committee

The provision in the sailing instructions quoted above, that decisions of the regatta committee would be final, was invalid because none of the conditions in rule 70.5 were met.

The regatta committee was acting as a protest committee. Competitors on this committee took part in the discussions relative to disqualification after the series, and some of them, although not those in contention for a prize, participated in the decision.

This decision does not concern itself with the facts found and the decisions thereon. It concerns the right of a protest committee to render a decision when it has not conformed to the requirements of rule 63.4. That rule states: "A member of a protest committee with a conflict of interest shall not be a member of the committee for the hearing unless all parties consent, or the protest committee decides that the conflict is not significant..." The definition Conflict of Interest includes a person who may gain or lose as a result of a decision to which he contributes. A competitor has a conflict of interest, and in this case a party to the hearing objected to the composition of the committee. The hearing, in which a person who has a conflict of interest may not participate. ~~That rule states: "A member of a protest committee who is an interested party shall not take any further part in the hearing..."~~ The definition Interested Party includes a person who may gain or lose as a result of a protest committee's decision. ~~A competitor is an interested party. The hearing, in which interested parties may not participate,~~ includes discussions of the protest committee as well as its decision. Those members of the regatta committee who were also competitors should not have taken any part in the hearing other than as witnesses or parties.

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Wayfarer 1752's appeal is upheld. The decisions of the regatta committee are reversed, and the disqualified boats are reinstated in their finishing places.

May 1969

Revised January 2017

APPEAL 23

Santana 125 vs. Santana 51

Rule 50.3, Setting and Sheeting Sails: Use of Outriggers

No part of a crew's body is an outrigger or fitting.

Facts and Decision of the Protest Committee

Santana 125 protested *Santana 51* for breaking rule 50.3, in that a crew member held the jib sheet outboard of the hull with her foot. The protest committee, after finding that the crew was pressing the jib sheet down and outboard of the hull of the boat with her foot while the boat was on a reach, disqualified *Santana 51*, who appealed.

Decision of the Appeals Committee

By the use of the term "fitting or other device" in defining an outrigger, rule 50.3 excludes any part of a person's body. *Santana 51*'s appeal is upheld, the decision of the protest committee is reversed, and *Santana 51* is reinstated in her finishing place.

May 1969

APPEAL 24

Sunfish 14863 vs. Sunfish 9605

Rule 14, Avoiding Contact

Rule 15, Acquiring Right of Way

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Rule 19.2, Room to Pass an Obstruction: Giving Room at an Obstruction

Rule 20, Room to Tack at an Obstruction

When PL and PW are approaching an obstruction, and when rule 20 applies, the decision as to whether PL will pass astern of the obstruction or tack is PL's to make. If PL decides to tack she must hail and give PW time to respond.

DIAGRAM

Facts and Decision of the Protest Committee

Sunfish 14863 (PW), after crossing ahead of *Sunfish 9605* (PL), tacked to port and established an overlap on PL to windward. Neither PW nor PL was able to cross *Sunfish 8118* (S), rapidly converging on starboard tack. PW hailed for room to go below S and began to bear away. PL, not hearing the hail and only just aware of PW on her windward side, hailed loudly for room to tack and put her helm down immediately. Shortly thereafter, PL and PW collided, barely avoiding contact with S. There was no damage or injury.

PL testified that by the time she became aware of PW bearing away on port tack, PL was too close to S to bear away and take her stern. Her only option was to tack. PL protested PW under rule 15 for tacking too close to permit her to keep clear.

PW protested PL under rule 20.2(a) for not giving her time to respond before tacking. In addition, PW felt that, having properly established her overlap, she was entitled to room under rule 19.2(b) in order to pass astern of S. The protest committee disqualified PL for breaking rule 20.2(a) and dismissed the protest against PW.

The protest committee requested confirmation or correction of its decision from the appeals committee under rule 70.2 (Appeals and Requests to a National Authority).

Decision of the Appeals Committee

Rule 15 applies only when a boat tacking acquires right of way over another boat. Since PW tacked to windward of PL, she did not acquire right of way; therefore rule 15 did not apply.

When the contact between PL and PW occurred, PL had just turned past head to wind and, therefore, PW had right of way under rule 13 (While Tacking). However, because PL changed course so abruptly, it was not reasonably possible for PW to avoid the collision. Therefore PW did not break rule 14. PL could have hailed for room to tack earlier than she did and, if she had

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done so, it would have been possible for her to have avoided the contact. Therefore PL broke rule 14.

PW established an inside overlap on PL when the two boats were several lengths from the obstruction. However, this fact alone did not give PW right to room under rule 19.2(b). Rule 19.2(a) gave PL, as the right-of-way boat at positions 2 and 3, the right to choose to pass the obstruction on either side. Therefore, PL was under no obligation to give PW room to pass astern of the obstruction if in fact PL desired to tack.

Although PL was entitled under rule 20.1 to call for room to tack to clear the obstruction, rule 20.2(a) specifically provides that a boat hailing for room shall give the hailed boat time to respond. The fact that PL was not aware of PW bearing away until it was too late does not absolve PL of her duty to hail before tacking and then tack.

The decision of the protest committee disqualifying PL is confirmed.

October 1969

QUESTION 25

Interpretation Requested by the New York Yacht Club

Rule 42.1, Propulsion: Basic Rule

Using double rudders in opposition to decrease speed does not break rule 42.

Question

It is not unusual to construct boats with two rudders. One common configuration is one rudder on the keel (often called a trim tab) and the principal rudder farther aft. Another common configuration is two rudders side-by-side (such as on multi-hulls and scows). When turned in opposite directions, the two rudders have a braking effect. Does this use of the rudders break rule 42?

Answer

No. Rule 42.1 requires a boat to compete “by using only the wind and water to increase, maintain or decrease her speed.” Thus, the question is whether the use of opposed rudders to decrease speed contravenes that requirement.

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Sails are intended to transmit power from the wind to give a vessel forward speed. From the earliest days of square riggers, they have also been backed to stop forward motion. Rudders are intended to transmit power from the flow of water to change the direction of the boat. In the process, drag is increased, and the boat is slowed.

Using opposed rudders to slow a boat departs from regular use only in degree and purpose. It is comparable to backing sails. Such use to slow a boat is not a breach of rule 42.

May 1970

APPEAL 26

Race Committee vs. Y-Flyer 1931

Definitions, Racing

Rule 31, Touching a Mark

A boat cannot be penalized for touching a finishing mark when she is no longer racing.

DIAGRAM (number the three positions)

Facts and Decision of the Protest Committee

Y-Flyer 1931, with a moderate breeze behind her and a strong current against her, crossed and cleared the middle of the finishing line. As she started to leave the finishing area by sailing around the finishing mark, the current caused her to touch the mark. She did not take any penalty for touching the mark.

The race committee protested her for breaking rule 31 by touching a finishing mark after finishing. The protest committee disqualified her. She appealed.

Decision of the Appeals Committee

Y-Flyer 1931 was incorrectly disqualified under rule 31 for touching a finishing mark. That rule applied only while she was racing. The definition Racing states: "A boat is racing from her preparatory signal until she finishes and clears the finishing line and marks. . . ."

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~~*Y-Flyer 1931* was incorrectly disqualified under rule 31 for touching a finishing mark. The rule applies only while she is racing. The definition Racing states: “A boat is racing from her preparatory signal until she finishes and clears the finishing line and marks...”~~

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~~Clearing the finishing mark is one of the criteria for determining when a boat is no longer racing because it prevents a boat from escaping penalization when she finishes so close to a mark that she is unable to avoid touching it.~~

~~The diagram shows that *Y-Flyer 1931* finished six hull lengths away from the mark that she subsequently touched. At position 2 she had cleared the finishing line. Also, at position 2 she was well clear of both finishing marks, and neither mark’s position was influencing her choice of course. Therefore, beyond position 2 she was no longer racing and rule 31 no longer applied. See Case 127. The diagram shows that the boat in this case finished six hull lengths away from the mark that she subsequently touched. When she cleared the line, she was well clear of the mark. Thus, her contact with the mark occurred after she had finished and cleared the finishing line and finishing marks. Since she was no longer racing, rule 31 no longer applied.~~

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Y-Flyer 1931’s appeal is upheld, the decision of the protest committee is reversed, and *Y-Flyer 1931* is reinstated in her finishing place.

August 1970

Revised January 2017

APPEAL 27

Siren Song vs. Malba

Rule 10, On Opposite Tacks

A hail to hold course is not binding on a right-of-way boat.

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DIAGRAM

Facts and Decision of the Protest Committee

Siren Song (S) and *Malba* (P) were approaching the finishing line, close-hauled on opposite tacks. The finishing line was approximately parallel to S’s course. P’s course, at right angles to the line, would cross it at two to three hull lengths from its starboard and much-favored end.

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S hailed “Starboard tack,” and P, believing that she could cross S, hailed “Hold your course.” S, however, tacked and protested under rule 10. P crossed the line first; S crossed second and overlapped.

The protest committee disqualified P under rule 10, its belief being that, since it was one helmsman’s judgment against the other’s, the obligated port-tack boat needed adequate evidence to support her claim that she would have cleared S. P appealed, since continuous sightings indicated that she would pass clear ahead but close to S, and she had therefore hailed “Hold your course,” which S had failed to do.

Decision of the Appeals Committee

The facts found by the protest committee are not conclusive as to whether or not a collision would have resulted, had S not tacked. Yet it is clear that the boats were sailing courses that might have resulted in a collision. Even the testimony of P did not satisfy the committee that she would have crossed clear ahead, had S held her course.

P’s appeal is denied, the decision of the protest committee is upheld, and P remains disqualified.

In response to the questions regarding a boat that has been hailed to hold course, it is permissible to hail, but the rules do not recognize such a hail as binding on the other boat. S can tack or bear away at any time she is satisfied that a change of course will be necessary to avoid a collision.

October 1970

APPEAL 30

E Scow S-3 vs. E Scow S-7

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

Establishing a late overlap breaks no rule, so long as the boat doing so gives mark-room.

DIAGRAM

Facts and Decision of the Protest Committee

Boats S-3 (M) and O approached the leeward mark, to be left to port, both on starboard tack and overlapped. S-7 (B) was overtaking from clear astern. Both M and O hailed B that she had no

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overlap, with which B agreed. The wind was light and erratic, and there was a strong current opposed to the wind.

M maintained course until about one-half hull length beyond the mark and gybed to round it. O did the same. Before M gybed, B, with clear air, overtook and overlapped M on the inside. B intended to round in the room left by M, if it remained open.

When M bore away and gybed and found B overlapped inside, she hailed B that she had no right to mark-room. B promptly bore away and gybed, going to the wrong side of the mark. She made no contact with either the mark or M. She then tacked, gybed once more, and rounded the mark behind O. M, after bearing away and gybing, hit the mark while rounding.

B protested M for touching the mark. M protested B, claiming that B had improperly established an inside overlap that interfered with her rounding of the mark. At the hearing, M said that she was forced to change her course after gybing to avoid a collision with B. The protest committee disqualified B for breaking rule 18.2(c). B appealed the decision, on the grounds that the rule had not been interpreted properly.

Decision of the Appeals Committee

Rule 18.2(b) says that the boat clear astern must give mark-room after a boat clear ahead reaches the zone. A boat may establish an overlap beyond that point, however, and it is not uncommon for that to happen. Rule 18.2(c) requires such a boat to continue giving mark-room and, if she does, she does not break either rule 18.2(b) or 18.2(c).

In this case, B luffed and passed the mark on the wrong side. M was able to bear off and round the mark. These facts, coupled with the absence of contact between the boats, warrant the conclusion that B fulfilled her obligation under rules 18.2(b) and 18.2(c) to give M mark-room.

B's appeal is upheld, the decision of the protest committee is reversed, ~~and~~ B is reinstated in her finishing place and M is disqualified for breaking rule 31.

February 1971

Revised January 2017

APPEAL 31

Thistle 2690 vs. Thistle 635

Rule 50.3, Setting and Sheeting Sails: Use of Outriggers

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A paddle used to support the midsection of a spinnaker is not an outrigger.

Facts and Decision of the Protest Committee

In very light air on a broad-reaching leg of the course, a crew member of *Thistle 635*, from his station aft of the mast, supported the midsection of the spinnaker with a paddle. The paddle did not extend beyond the hull. *Thistle 2690* protested under rules 50.2 (Setting and Sheeting Sails: Spinnaker Poles, Whisker Poles) and 50.3, claiming that the paddle constituted an outrigger or a spinnaker pole unattached to the mast.

The protest committee dismissed the protest, stating that the practice did not fall within the prohibitions of either rule or those of any other rule. *Thistle 2690* appealed.

Decision of the Appeals Committee

Rule 50.2 deals with spinnaker poles; the paddle in this case was not a spinnaker pole.

Rule 50.3 deals with sheeting sails at points outside of a vertical line from the hull (or deck planking) of a boat when upright. Since the paddle did not extend beyond that (vertical) line, the manner in which it was used did not break rule 50.3.

Thistle 2690's appeal is denied, and the decision of the protest committee is upheld.

October 1971

QUESTION 33

Interpretation Requested by the Noroton Yacht Club

Rule 16.1, Changing Course

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Rule 16.2, Changing Course

To change course means to change the direction in which the boat is heading or moving.

Questions

What is the meaning of “change course” in rules 16.1 and 16.2? Is it a change of course for a boat to sail an arc of a circle? If she does not move her helm in doing so, is she nonetheless changing course?

Answers

Yes, a boat changes course when she sails the arc of a circle or any other course where she changes direction, whether or not she moves her helm. This includes a change from moving forward to moving backward, or vice-versa. To change course means to change the direction in which the boat is heading or moving.

November 1974

APPEAL 34

My Way and Moxie vs. Crescent 15 and others

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

Misinterpretation of sailing instructions when their intent is clear does not mean they are ambiguous.

Facts and Decision of the Protest Committee

Member clubs of the association run races under common sailing instructions issued by the association. Some of the races are for a large number of classes sailing in the same course area, in which some classes sail only once around the course while others sail twice around. The race committee of the sponsoring club sets up the starting and finishing line in the middle of a windward leg. It then establishes a quadrilateral restricted and starting area, the four corners of which are marked by the committee boat, starting and finishing line mark C, and two green flags on the leeward side of the line.

Regarding this area and the line, the sailing instructions read:

Restricted Area: All boats must keep clear of the indicated restricted area and of the first leg of the course until after the preparatory signal for their class. Any boat violating the restricted area shall be subject to disqualification.

C Start: All classes start between RC flag on the committee boat and starting line mark C.

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All classes in starts 17 through 24, for the second time around, shall not enter the restricted or starting area.

In a regatta, five Crescent class boats which were in starts 17 through 24, sailed through the restricted or starting area on the second time around and were protested. The protest committee denied the protests, on the grounds that “the blue flag was up for the finish line; therefore it no longer was a starting line, and there was no restricted area.” *My Way* and *Moxie* appealed.

Decision of the Association Appeals Committee

The association appeals committee upheld the decision. It recognized that it was the race committee’s intention to prevent the twice-around boats from entering the restricted area on their second time around. Its opinion, however, was that the sailing instructions did not make this clear beyond reasonable doubt. This decision was appealed.

Decision of the Appeals Committee

The question is a simple one. Were the sailing instructions sufficiently clear as to when the restricted area was to be avoided? Was it always “restricted” on the second time around, or only sometimes? It is difficult to see what purpose the race committee would have other than that the prohibition was to apply to all second times around.

Appeals have supported contestants when sailing instructions were unclear or conflicting. In this case, however, any interpretation regarding the restricted area, other than that boats must keep out of the area on their second time around, stretches language beyond common usage and is clearly contrary to the intent of the sailing instructions.

The appeal is upheld, and the decisions of the association appeals committee and the protest committee are reversed. Those boats that sailed through the restricted area on their second lap are disqualified.

October 1975

APPEAL 35

Reliant vs. Taveuni

Rule 13, While Tacking

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Rule 14, Avoiding Contact

Rule 16.1, Changing Course

Rule 16.2, Changing Course

Rule 64.1, Decisions: Penalties and Exoneration

A boat that completes a tack onto starboard need not thereafter remain close-hauled, but is subject to rules 16.1 and 16.2 as she changes course.

DIAGRAM

Facts and Decision of the Protest Committee

Taveuni (A), a 42-foot cutter carrying only a headsail, and *Reliant* (B), a Cal-29 carrying a small jib and reefed mainsail, were on a close reach toward a mark to be left to port. The wind was 35 knots, gusting to 45. Boat A was ahead by 3 to 6 hull lengths and on a course slightly to leeward of B's. She sailed on until the mark was off her port quarter, tacked to starboard and bore off continuously until reaching position 2, then hardened up to the course shown in position 3.

When A reached position 2, the boats were on a collision course, nearly head on, so B tacked immediately to avoid the impending collision. Before B reached a close-hauled course, A struck B on her starboard side three times between the forward end of the cockpit and the transom. The two boats were then nearly at right angles to each other. B sustained major hull damage and was forced to withdraw.

A protested under rule 13. B protested under rule 11 (On the Same Tack, Overlapped).

The protest committee found that A had completed her tack and was on a new course, causing a port-starboard crossing situation under rule 10 (On Opposite Tacks), requiring B to keep clear. B chose to tack but could not avoid a collision. Accordingly, the committee disqualified B for breaking rules 10 and 13. It held that rule 11 was not applicable and dismissed B's protest against A. B appealed.

Decision of the Association Appeals Committee

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The association appeals committee upheld the protest committee's decision, but observed that A did not hold her course during B's tack. A had claimed in her protest that B tacked inside of A and was in irons on starboard tack dead ahead when A luffed to fetch the mark, whereupon the collision occurred. However, the association appeals committee, relying on the fact that neither B nor the protest committee had protested A for breaking rule 16.1, took no further action. B appealed again.

Decision of the Appeals Committee

The protest committee, having found that A had met her obligations under rule 13 (she kept clear until she had borne away to a close-hauled course), acted correctly in not disqualifying her for breaking rule 13. B had argued in her appeal that A broke rule 13 in that, while tacking, she bore away to a reach and had not yet luffed to close-hauled when the collision occurred.

Rule 13 requires a boat that is tacking to keep clear until she has borne away to a close-hauled course. In this case, A reached, passed, and fell off below close-hauled to a point where she was heading 130 or more degrees off the wind, thus well beyond a close-hauled course. A had the right to sail below close-hauled after tacking.

However, when A became the right-of-way starboard-tack boat and bore away to a collision course with B, she thereby forced B, a port-tack boat that was keeping clear, to immediately change course to continue keeping clear. A therefore broke rule 16.2, which applied because when A became the right-of-way boat under rule 10, B was sailing to pass astern of her. Almost immediately afterward, A also broke rule 16.1 by luffing to a new collision course with B, making it impossible for B to keep clear.

The association appeals committee erred in failing to consider whether A broke rule 16.1, 16.2 or both during her course changes. That B did not protest under rule 16.1 or 16.2 was immaterial, and A should have been disqualified, in compliance with rule 64.1, which provides that a "penalty shall be imposed whether or not the applicable *rule* was mentioned in the *protest*." B is exonerated under rule 21(a) (Exoneration). Concerning rule 14, B complied with it by tacking to avoid A. However, A broke rule 14 by failing to avoid contact when it was reasonably possible to do so.

B's appeal is upheld. The decisions of the association appeals committee and the protest committee are changed. B is reinstated in her finishing place, and A is disqualified for breaking rules 14, 16.1 and 16.2.

January 1976

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APPEAL 36

Thistle 1155 vs. Thistle 3221

Definitions, Obstruction

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Definitions, Rule

Rule 12, On the Same Tack, Not Overlapped

Rule 14, Avoiding Contact

Rule 15, Acquiring Right of Way

Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

Rule 21(a), Exoneration

Rule 64.1(a), Decisions: Penalties and Exoneration

When three boats are on the same tack, a boat clear ahead of the other two is an obstruction to them. If the boats clear astern are overlapped and about to pass the boat clear ahead, the outside boat must give the inside boat room to pass between herself and the boat clear ahead.

DIAGRAM

Facts and Decision of the Protest Committee

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Thistle 1155 (W) was sailing slowly up to the starting line, slightly above close-hauled. Thistle 3221 (M) and Thistle 3229 (L) were approaching the line from clear astern of W, sailing about three times as fast, and were overlapped for several hull lengths before reaching W. L was holding a steady course, while M, reaching on a collision course with L, luffed to keep clear of

her as they converged. Very soon after M and L became overlapped with W, there were collisions with no damage or injury. M hit W and then L a second later.

M protested L and W protested M. Both M and W protested. The protest committee decided that the two protests were relevant to a single incident and heard both protests in a single hearing. The protest committee found that M broke rule 15 with respect to W, and rule 11 (On the Same Tack, Overlapped) with respect to L. The committee imposed a percentage penalty as provided in the sailing instructions. M appealed.

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Decision of the Appeals Committee

The facts describe one incident, so it was appropriate for the protest committee to hear both protests in a single hearing.

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While M and L were clear astern of W, rule 12 required each of them to keep clear of W; therefore W was an obstruction to them (see the definition Obstruction). Because L and M were overlapped, rule 11 required M to keep clear of L. Since L was sailing a course to pass to leeward of W, L (the outside boat) was required by rule 19.2(b) to give M (the inside boat) room between her and the obstruction (W). The room L was required to give M included the space M needed to comply with her Part 2 obligations (see the definition Room).

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When M became overlapped to leeward of W, the applicable rules changed. Even though L's bow was well behind W's stern, the overlap between L and W began at that time because M was between and overlapped with both of them (see the definition Clear Astern and Clear Ahead; Overlap). Rule 12 no longer applied, and rule 11 required W to keep clear of M and L. W was no longer a right-of-way boat or an obstruction to L and MW; therefore, L was no longer required by rule 19.2(b) to give M room between herself and W. Rule 15 required L and M to initially give W room to keep clear, and since both M and W were required to keep clear of L, L became an obstruction to M and W.

Just before M and L became overlapped with W, L failed to give M room between her and W as required by rule 19.2(b), as shown by the rules breaches and contact that occurred shortly after the overlap was established. As a result of L's breach of rule 19.2(b), there was not space for M to give W room to keep clear after she became overlapped with W, as she was required to do by rule 15.

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At the time M and W made contact, the overlap between them had only been in existence for about one or, at most, two seconds. W broke rule 11 by failing to keep clear of M. However, from the time the overlap began, W was entitled to room from M and L to keep clear of M under rule

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15. That room was the space that W needed “while maneuvering promptly in a seamanlike way.” Although W was sailing in the space she needed to try to keep clear of M, M failed to give her enough space and time to maneuver promptly and keep clear of M. Therefore W was sailing “within the room to which she was entitled” under rule 15, and is exonerated under rule 21(a) for breaking rule 11.

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~~As a result of L’s breach of rule 19.2(b), W failed to keep clear of M under rule 11. However, because M failed to give W room to keep clear, and therefore broke rule 15, W is exonerated under rule 64.1(a) for breaking rule 11. Also,~~

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M failed to keep clear of L under rule 11. However, M was entitled to room between L and W under rule 19.2(b) from L. Since M was sailing within the room to which she was entitled when she broke rules 11 and 15, M is exonerated for both those breaches under rule 21(a). ~~However, since it was L’s breach of rule 19.2(b) that compelled M to break rules 11 and 15, M is exonerated under rule 21(a).~~

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L failed to give W room to keep clear as required by rule 15, by failing to bear away and allowing M to meet her obligation under rule 15 to provide the space W needed to keep clear of her (see the definition Room). No rule exonerates L for breaking rules 15 and 19.2(b).

When L and M became overlapped with W, rule 19.2(b) required W (the outside boat) to give M (the inside boat) room between her and L, unless she had been unable to do so from the time the overlap began (see rule 19.2(b)). W was in fact unable to give such room, because there was very little time between M’s becoming overlapped and then making contact with W. Therefore, W did not break rule 19.2(b).

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Concerning rule 14, when it became clear to L that M could not avoid contact with her, L could have avoided the contact by bearing away a few degrees; therefore, L broke rule 14. However, because the contact caused no damage or injury, L is exonerated under rule 14(b) for breaking rule 14. Since it was not reasonably possible for M or W to avoid the contact, they did not break rule 14.

M’s appeal is upheld, and the decision of the protest committee is reversed. M is reinstated in her finishing position, and a percentage penalty is imposed on L as provided in the sailing instructions. See Case 117.

October 1976

Revised January 2017

APPEAL 39

Sunfish 21681 Request for Redress

Definitions, ~~Conflict of Interest~~Interested Party

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Rule 4, Decision to Race

Rule 62.1(a), Redress

Rule 63.4, Hearings: ~~Conflict of Interest~~Interested Party

The responsibility for a boat's decision to participate in a race or to continue racing is hers alone. If she does not start and is scored accordingly, she cannot receive redress by claiming that the race committee acted improperly in deciding to conduct the race in conditions it considered to be suitable. Protest committee members who believe they have a close personal interest in a decision concerning their actions as race committee members act properly when they decline to take part in the hearing.

Facts and Decision of the Protest Committee

In a race of a Sunfish regatta, 17 out of 21 starters finished. Winds were 15 to 20 knots with seas at one to two feet. Before the start, *Sunfish 21681* hailed the race committee that she was protesting the committee for allowing the race to begin, and she then left the racing area.

She requested redress, claiming that the race committee significantly worsened the scores of boats by starting the race under the existing conditions and thus jeopardizing their safety. The members of the protest committee, who were also members of the race committee, believed that they all had significant conflicts of interest ~~were interested parties~~ and thus precluded by rule 63.4 from deciding the request for redress, and so postponed a hearing until a new protest committee could be convened.

The new protest committee dismissed the request for redress on the grounds that rule 4 makes the responsibility for a boat's decision to participate or continue in a race "hers alone." It also said that a decision by a boat not to participate does not put the race committee in the position of having acted improperly. *Sunfish 21681* appealed.

Decision of the Appeals Committee

The decision to start, postpone, or abandon a race is a matter solely within the jurisdiction of the race committee (see rule 90.1). The new protest committee was correct in stating that rule 4 makes each boat solely responsible for deciding whether or not to race or continue racing. The appellant was free to decide not to participate, so there is no basis for her claim that her score DNS (“Did not *start*”) had been ~~made significantly worse~~~~caused~~ by an “improper action” of the race committee (see rule 62.1(a)).

A member of the race committee may be a member of the protest committee, provided he is not ineligible under the prescription to rule 63.4. However, under rule 63.4, no member of the protest committee can have a significant conflict of interest~~be an “interested party” under rule 63.4~~. In this case, the original protest committee’s judgment that its members had a significant conflict of interest~~were interested parties~~ was sound. Under the definition Conflict of Interest, a protest committee member who has “a close personal interest” in the protest committee’s decision has a conflict of interest.~~The definition Interested Party includes persons who have “a close personal interest” in the protest committee’s decision.~~ Here, it was alleged that the race committee members acted so as to expose competitors to unsafe conditions. They inevitably would have had a close personal interest in whether or not that allegation would be determined to be valid. As protest committee members, they therefore were correct in acting under rule 63.4 to decline to take part in the hearing.

Sunfish 21681’s appeal is denied, and the decision of the protest committee denying her request for redress is upheld. *Sunfish 21681* remains scored DNS.

January 1978

Revised 2017

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APPEAL 40

Blue Jay 6038 Request for Redress

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

Changes to sailing instructions, when made ashore, must be in writing and posted on time on the official notice board.

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Facts and Decision of the Protest Committee

The sailing instructions for the high school championship included provisions for courses, for a common starting and finishing line, and for superseding written instructions by oral instructions upon display of flag L. There was a time provided for a skippers' meeting and also this provision: "Marks: Temporary marks will be used. Placement of marks will be discussed at skippers' meeting."

At the skippers' meeting, the race committee changed the course and line instructions, stating that there would be two lines, a starting line to port of the committee boat and a finishing line to starboard, each with a different colored mark at the outer end. On the fourth leg (second windward leg), all boats were to sail through the finishing line. By so doing, if it became necessary to shorten course, the boats would already be heading for the finishing line.

On the fourth leg of the first race, *Blue Jay 6038*, the appellant, who was leading her class, sailed through the starting line instead of the finishing line. She was disqualified.

She requested redress under rule 62 (Redress), on the grounds that "there was nothing in the sailing instructions requiring boats to pass through the finishing gate" and that she had been penalized without a hearing. When the protest committee upheld the race committee's decision, she appealed, citing improper procedure under rule 90.2(c).

Decision of the Association Appeals Committee

The association appeals committee reversed the protest committee's decision and reinstated *Blue Jay 6038*, observing that there was nothing in the sailing instructions about a finishing line, separate and distinct from the starting line, through which boats were to pass on the fourth leg of the race. Moreover, whatever "incidental discussion" there may have been at the skippers' meeting was inadequate, "according to any of the facts found," to comply with rule 90.2(c). The confusion caused by the written sailing instructions, the indefinite oral instructions on passing through a finish "gate," and the committee's action in setting two "gates" created such ambiguity that *Blue Jay 6038* should have been given the benefit of the doubt and reinstated as a finisher. The appeal was upheld, and the race committee appealed.

Decision of the Appeals Committee

The basic question raised by this appeal arises from oral changes to the sailing instructions. Rule 90.2(c) reads: "Changes to the sailing instructions shall be in writing and posted on the official notice board...or, on the water, communicated to each boat... . Oral changes may be given only

on the water... .”

The sailing instructions provided only for a single line that was to serve as both a starting and finishing line. They were devoid of any requirement that the line be passed through on any leg of the course.

This was all changed orally at the skippers’ meeting. Two lines were substituted for one line, and a requirement that the boats pass through the finishing line on the second windward leg was added. The changes to the sailing instructions should have been in writing and posted on the official notice board as required by rule 90.2(c). While skippers’ meetings are desirable and provide a forum for answering questions, such meetings are not a substitute for the sailing instructions, even when all skippers are present. The purpose of requiring that a change in the sailing instructions be made in writing is to prevent the kind of confusion that occurred in this case.

A notice of a meeting or a notice that oral instructions will be given does not comply with the requirement of rule 90.2(c). Oral instructions are valid only when given on the water in the manner provided for in that rule and the sailing instructions.

The race committee’s appeal is denied, and the decision of the association appeals committee is upheld. The decision of the protest committee is reversed, and *Blue Jay 6038* is reinstated in her finishing place.

April 1979

APPEAL 41

Nirie V Request for Redress

Rule 61.3, Protest Requirements: Protest Time Limit

Competitors are entitled to reasonable means to fulfill whatever time requirements there are for delivering a protest. The protest committee must extend the time if there is good reason to do so.

Facts and Decision of the Protest Committee

After finishing her race, *Nirie V* reached the dock in about an hour. Her skipper promptly filled out a protest form and then spent the next two hours searching for someone to whom he could

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deliver it. Finally, one member of the race committee appeared and was given the protest.

The protest committee closed the hearing under rule 63.5 (Validity of the Protest), because the protest was delivered after the two-hour time limit prescribed by rule 61.3. *Nirie V* appealed on the grounds that she had made a timely and extended effort to deliver her protest, and the absence of any member of the race committee entitled her to an extension of the time limit.

Decision of the Appeals Committee

Competitors are entitled to reasonable means to comply with the time limit for delivering protests. When, as in this case, such means are not available and when the protestor has delivered her protest as soon as the means was provided, there is good reason to extend the time limit and the protest committee is required by rule 61.3 to do so.

Nirie V's appeal is upheld, and the decision of the protest committee to close the hearing is reversed. The protest is returned to the protest committee to continue the hearing.

December 1978

APPEAL 42

Super Sunfish 238 and others vs. Super Sunfish 648

Definitions, Conflict of Interest~~Interested Party~~

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Rule 2, Fair Sailing

Rule 60.1(a), Right to Protest; Right to Request Redress or Rule 69 Action

Rule 63.4, Hearings: Conflict of Interest~~Interested Party~~

Rule 91, Protest Committee

It is not contrary to recognized principles of sportsmanship and fair sailing for several boats to consult about a protest and then deliver multiple protests or a joint protest. The rules do not prohibit protest committees of one person. A protest committee member

~~does~~ *not have a conflict of interest* ~~an interested party~~ because of being the measurer.

Facts and Decision of the Protest Committee

Super Sunfish 648 was protested by three others for sailing the first two races with an illegal daggerboard.

The protest hearing was conducted by a single member of the race committee, who was also acting class measurer.

The judge upheld the protest and penalized *Super Sunfish 648* twenty percent under the provisions of the sailing instructions.

Super Sunfish 648 appealed on three grounds: first, that the three protestors were in collusion and thus had broken rule 2; second, that one person does not constitute a committee as provided by rules 90.1 (Race Committee) and 91; and third, that the judge was not entitled by rule 63.4 to conduct the hearing because he was also the acting class measurer.

Decision of the Appeals Committee

Any boat is entitled to protest any other boat, subject to the provisions of rule 60. If any one boat may do so, three may also do so, and they do not break rule 2 simply because they consult before delivering their protests or because they deliver a joint protest.

Rule 91 does not prohibit a protest committee consisting of one person.

A protest committee member who is also the class measurer ~~does~~ not, for that reason alone, ~~have a conflict of interest, and therefore is not an interested party~~ prohibited by rule 63.4 from taking part in a measurement protest.

Super Sunfish 648's appeal is denied, and the decision of the protest committee is upheld. *Super Sunfish 648* remains scored with a 20% penalty.

November 1980

APPEAL 43

Floating Prime vs. Hurry Hurry

Rule 11, On the Same Tack, Overlapped

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Rule 14, Avoiding Contact

Rule 15, Acquiring Right of Way

After a leeward boat has established an overlap from clear astern and initially given the windward boat room to keep clear under rule 15, the windward boat is correctly disqualified for breaking rule 11 if by luffing she causes contact.

DIAGRAM

Facts and Decision of the Protest Committee

Floating Prime (L) and *Hurry Hurry* (W) were approaching the starting line shortly before the start. Both were on starboard tack with W close-reaching and sailing slowly. L established an overlap not far to leeward of W from clear astern. The two boats sailed for a few hull lengths on parallel courses, with L moving somewhat faster.

When the boats were overlapped eight to ten feet, L hailed her intention to luff. W responded by luffing and tacking. The port corner of her transom made contact with L amidships, without damage or injury, while W was well above close-hauled but not yet head to wind. From the beginning of the overlap until after contact, L held a steady course and did not luff. After contact, W continued her turn and ended on port tack.

L protested W under rule 13 (While Tacking) for not keeping clear while tacking. W protested L under rule 15 for failing to give W room to keep clear and rule 17 (On the Same Tack; Proper Course) for sailing above her proper course.

The protest committee found that, after the overlap began, W could have kept clear by holding her course, as she did until L hailed, or by luffing slowly. It concluded that although L established her overlap close aboard, it was not so close as to initially deprive W of room to “keep clear” (rule 15). It interpreted “room” to mean enough room to keep clear by some means easily accomplished, not room to execute any maneuver the windward boat might desire.

The protest committee disqualified W for breaking rule 11 and dismissed W’s protest. W appealed.

Decision of the Appeals Committee

Rule 17 did not apply because a boat has no proper course before her starting signal. When L established her overlap to leeward from clear astern, she was obligated by rule 15 to initially give

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W room to keep clear. She did this, since the boats sailed parallel courses for a few hull lengths without contact. A windward boat's right to "room to keep clear" under rule 15 exists only briefly, at the time the overlap begins. Since contact occurred with no luff by L, and only after W had luffed well above a close-hauled course, L fulfilled her obligation under rule 15 to initially give W room to keep clear, and W was properly disqualified under rule 11. Concerning the contact, it was reasonably possible for W to avoid it but she failed to do so, and therefore broke rule 14. L was unable to avoid the contact, so she did not break rule 14. W's appeal is denied. The decision of the protest committee is corrected, and W remains disqualified, but for breaking both rules 11 and 14.

October 1981

QUESTION 44

Interpretation Requested by the Southern California Yachting Association

Rule 62.1(a), Redress

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Rule 64.2, Decisions: Decisions on Redress

Rule 90.3(c), Race Committee; Sailing Instructions; Scoring: Scoring

A race committee that corrects a boat's score based on its own records or observations does not act improperly. The boat therefore has no valid claim for redress.

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Assumed Facts

In the second race of a series, a boat that was on the course side of the starting line at the starting signal failed to return and start correctly. However, the race committee scored her as having finished in second place. It later discovered its error but the corrected results were not posted until two days later. Those results showed her 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"). The boat requested redress under rule 62.1(a), and the protest committee, acting under rule 64.2, decided to reinstate her in second place.

Question 1

If a race committee errs by scoring a boat incorrectly, is that boat's score made significantly worse within the meaning of rule 62.1(a) when the committee subsequently corrects the score?

Answer 1

No. ~~When a race committee determines from its own records or observations that it has scored a boat incorrectly, it is required by rule 90.3(c) to correct the error. A race committee is required to correct any errors in scoring under rule 90.3(c).~~ Accordingly, a race committee does not take an improper action when it corrects an error it has made. Therefore rule 62.1(a) cannot apply.

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Question 2

Did the protest committee make the correct decision under rule 64.2 when it gave the boat redress by scoring her in the place she was originally scored ~~for~~?

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Answer 2

No. Rule 64.2 could not apply because the boat was not eligible for redress.

October 1981

APPEAL 45

Gadzooks vs. Bubba

Rule 13, While Tacking

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Rule 14, Avoiding Contact

Rule 20.2(a), Room to Tack at an Obstruction: Responding

A leeward boat that hails and tacks simultaneously breaks rule 20.2(a). A windward boat is not required to anticipate a leeward boat's actions with respect to a converging right-of-way boat.

DIAGRAM

Facts and Decision of the Protest Committee

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Gadzooks (PL) and *Bubba* (PW) were both sailing close-hauled on port tack, PL approximately one hull length ahead and one and a half hull lengths to leeward of PW. S was on starboard tack

on a collision course with PL.

PL did not expect a boat coming from where S was sailing and did not become aware of her presence until there was no opportunity to bear away and go astern of S. As soon as she saw S, PL hailed that she was tacking and simultaneously tacked onto starboard. PL hit PW amidships, resulting in substantial damage to both boats. PW protested.

The protest committee found that PW was not able to keep clear of PL without having to begin to change course before PL had borne away to a close-hauled course. Its decision was that PL had no rights under rule 10 (On Opposite Tacks), because she had not satisfied the protest committee that she had complied with rule 13. Also, she broke rule 20.2(a) by hailing and tacking simultaneously. PL was disqualified.

Decision of the Association Appeals Committee

On appeal by PL, the association appeals committee upheld the protest committee's decision. It further found that, even though it was not clear that PW was aware of the presence of S, she should have been prepared to respond as required. Accordingly, it also disqualified PW for breaking rule 20.2(a). PW appealed.

Decision of the Appeals Committee

The protest committee was correct in finding that PL had no rights with respect to PW, because she had not kept clear as required by rule 13. Since PL did not give PW time to respond before tacking, she also broke rule 20.2(a).

The association appeals committee's statement that PW should have been prepared to respond is unwarranted. PW was not required to anticipate PL's breach of rules 13 and 20.2(a). By the time it became clear that PL was not keeping clear, it was not reasonably possible for PW to avoid contact; therefore PW did not break rule 14.

PL was at fault both in failing to observe S in time to pass under her stern and in hailing and tacking simultaneously, contrary to rule 20.2(a). She also broke rule 13 by failing to keep clear of PW, and rule 14 by failing to avoid contact when it was reasonably possible for her to have done so.

PW's appeal is upheld, the decision of the association appeals committee disqualifying PW is reversed, and the decision of the protest committee is changed. PW is reinstated in her finishing place, and PL is disqualified for breaking rules 13, 14 and 20.2(a).

March 1982

APPEAL 46

3470 vs. 3035

Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty

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Rule 61.1(a), Protest Requirements: Informing the Protestee

Rule 61.2(b), Protest Requirements: Protest Contents

The failure of a boat to take a Two-Turns Penalty does not break a rule. A boat may not be disqualified for an incident not described in a valid protest.

Facts and Decision of the Protest Committee

At the start of the final beat, two 25-foot boats were on starboard tack with the protestee, 3035 (A), clear ahead by one to one-and-a-half hull lengths. A tacked and 3470 (B) changed course thinking that she needed to do so in order to avoid contact. B displayed her protest flag five minutes after the incident. Just before finishing and 15 minutes after the incident, A took a Two-Turns Penalty. B protested not the right-of-way incident itself but A's failure to take her penalty as soon as possible.

The protest committee was not satisfied that A had complied with rule 13 (While Tacking). It also decided that A had not sailed well clear as soon as possible and taken her Two-Turns Penalty, as required by rule 44.2 (One-Turn and Two-Turns Penalties). It disqualified her for breaking rule 13.

A appealed, principally on the grounds that the protest committee had failed to establish the relative positions of the two boats. She also noted that B did not display a protest flag until five minutes after the incident, and therefore that A was under no obligation to do a Two-Turns Penalty.

Decision of the Association Appeals Committee

The association appeals committee agreed that the relative positions of the boats had not been established, and therefore there was considerable doubt that rule 13 had been broken. The committee upheld A's appeal, reversed the decision of the protest committee, and reinstated A in

her finishing place.

B appealed this decision, mainly on the grounds that the association appeals committee had failed to accept the protest committee's finding of facts.

Decision of the Appeals Committee

The protest committee was obligated to decide whether B's protest was valid before considering its content (see rule 63.5 [Hearings: Validity of the Protest or Request for Redress]). If the protested incident had been the right-of-way incident, the protest would have been invalid because B did not display her protest flag until five minutes after the incident. This was not the "first reasonable opportunity" as required by rule 61.1(a).

However, B's protest of A's failure to take a proper and timely Two-Turns Penalty met the requirements of rule 61.1(a), since the incident referred to under rule 61.2(b) was A's failure to take a Two-Turns Penalty when required and B complied with rule 61.1(a) at that time. B's protest was therefore valid.

However, A's failure to take a proper and timely Two-Turns Penalty broke no rule. It meant only that she failed to take a penalty, but her failure to take a penalty had no bearing on the protested incident. Since the right-of-way incident was not the incident described in B's protest, A could not be penalized for that incident.

B's appeal is denied. The decisions of the association appeals committee and the protest committee are changed, and A is reinstated in her finishing place.

October 1982

QUESTION 50

Interpretation Requested by the South Atlantic Yacht Racing Association

Rule 90.2(c), Race Committee; Sailing Instructions; Scoring: Sailing Instructions

Requiring attendance at a competitors' meeting does not break a rule. Intended changes in the sailing instructions announced at the competitors' meeting have no effect unless they are in writing and posted within the required time on the official notice board.

Question 1

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Does requiring attendance at a competitors' meeting break any rule?

Answer 1

No.

Question 2

What is the effect of changes to the sailing instructions announced at a competitor's meeting but not posted in writing on the official notice board before the time stated in the sailing instructions? if the sailing instructions do not change rule 90.2(c)?

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Answer 2

Rule 90.2(c) requires that changes in the sailing instructions be in writing and posted "within the required time" on the official notice board before the time stated in the sailing instructions. That means any intended changes in the sailing instructions (including additions) announced at a skippers' meeting must be posted within the time required by the sailing instructions. Otherwise, they have no effect. Note that rule 90.2(c) cannot be changed (see rule 86.1(b)).

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October 1984

APPEAL 51

Scimitar vs. Audacious

Rule 10, On Opposite Tacks

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Rule 16.1, Changing Course

Rule 64.1(a), Decisions: Penalties and Exoneration

When she cannot see behind other boats, an obligated boat must anticipate what might appear from the other side of the other boats.

DIAGRAM

Facts and Decision of the Protest Committee

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In 18 to 22 knots of wind and prior to the start, *Audacious* (S) was on starboard tack near the

committee boat and behind other starboard-tack boats. *Scimitar* (P) was on port tack and reaching below the fleet from the opposite end of the line at more than seven knots. Neither saw the other at this stage.

S bore away sharply about 30 degrees to pass to leeward of *Brigand* (A), which she was overtaking. S had no one stationed on her bow, whereas P did. At approximately four hull lengths separation, P's lookout saw S and yelled to his helmsman to "fall off," which he did slowly. P was 15–25 feet to leeward of the nearest starboard-tack boat. S reacted by luffing hard, with the result that her port quarter struck P's hull amidships without causing damage or injury.

The protest committee held that P had no reason to anticipate the action of an unseen starboard-tack boat, and S had ample time to adjust her speed to avoid the dilemma of overtaking A. It then disqualified S for breaking rule 16.1 at position 1. S appealed.

Decision of the Association Appeals Committee

The association appeals committee held that, as P and S approached each other with several boats between them that prevented them from seeing each other, P had adequate time and space to meet her newly discovered obligation under rule 10. Her action in slowly bearing away was insufficient to avoid collision, thereby requiring S to luff sharply to avoid possible serious damage. It found that the protest committee's decision was not supported by the facts or the diagram, reinstated S in the race, and disqualified P under rules 10 and 14 (Avoiding Contact). P appealed.

Decision of the Appeals Committee

When S bore away sharply at position 1, prior to which neither boat could see the other, there were more than six hull lengths of open water between her and P. Under those circumstances, the maneuver by S was proper and appropriate and P had the room to keep clear that she was entitled to under rule 16.1. There is no indication in the facts or diagram that, after her initial and abrupt maneuver, S made any other change of course that might have left insufficient room for P to keep clear under rule 10 prior to P breaking rule 10 just before position 2. When it became clear to S that P was not keeping clear, it was not reasonably possible for her to avoid contact with P; therefore S did not break rule 14. Although S's last-minute course change at position 2 to avoid a collision as required by rule 14 resulted in S breaking rule 16.1, she was compelled to do so by P's breach of rule 10.

The fact that P was unable to see S until they were on a collision course cannot be used to relieve her of her obligation to the right-of-way boat. The situation is not unlike one in which a port-tack

boat barely clears a starboard-tack boat only to find another starboard-tack boat to windward of the one she has just cleared.

When she cannot see behind other boats, the obligated boat must anticipate what might appear from the other side of those boats. S's maneuver was not a dangerous one but, in fact, normal under the circumstances. A keep-clear boat, when keeping clear of a group of boats holding right of way, is responsible for anticipating what obligations she is incurring, even though she cannot see all the boats.

P's appeal is denied, and the decision of the association appeals committee is upheld. P remains disqualified and S is exonerated from her breach of rule 16.1 under rule 64.1(a).

October 1984

APPEAL 52

Dynamo Hum vs. Holiday V

Rule 11, On the Same Tack, Overlapped

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Rule 14, Avoiding Contact

Rule 15, Acquiring Right of Way

A starboard-tack boat that gybes and becomes a leeward boat does not thereby acquire right of way. A right-of-way boat failing to avoid contact when it was reasonably possible to do so breaks rule 14.

DIAGRAM

Facts and Decision of the Protest Committee

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In 25 knots of wind during a downwind start, *Holiday V* (L), on starboard tack, crossed ahead of *Dynamo Hum* (W), on port tack, by two and one-half hull lengths. Within two hull lengths L gybed to port tack, clear ahead of W, but assuming a higher course so that the boats were converging. W, in the process of hoisting her spinnaker, did not see L's maneuver, and did not appreciably change her course during the incident. Approximately ten seconds after the crossing

of the boats there was contact. W's spinnaker struck the shrouds of L and her boom hit L's stanchions, causing considerable damage to W's mast. W protested.

The protest committee found that L made no attempt to avoid contact with W and that in the wind conditions L gybed too close, thereby breaking rule 15. It disqualified her and she appealed.

Decision of the Association Appeals Committee

The association appeals committee concluded that when L completed her gybe she was sufficiently clear of W and therefore she did not break rule 15. It disqualified W for failing to keep clear as required by rule 11. W appealed.

Decision of the Appeals Committee

Rule 15 did not apply because L held right of way under rule 10 (On Opposite Tacks) before she gybed and after that she continued to hold right of way, first under rule 12 (On the Same Tack, Not Overlapped) and then under rule 11. Rule 16.1 (Changing Course) applied because L was a right-of-way boat changing course, and L gave W room to keep clear. W failed to keep clear as required. However, since both L and W had the opportunity but failed to make any attempt to avoid contact and damage resulted, both are disqualified under rule 14.

W's appeal is denied. The decisions of the association appeals committee and the protest committee are changed. W remains disqualified, but for breaking rule 14 in addition to rule 11, and L is also disqualified for breaking rule 14.

March 1986

APPEAL 53

Hevn Request for Redress

Rule 76.1, Exclusion of Boats or Competitors

The organizing authority or the race committee may reject or cancel the entry of a boat so long as it states its reason for doing so and complies with the prescription to rule 76.1.

Facts and Decision of the Protest Committee

The "Race Instructions for Auxiliary Boats" did not contain any specific eligibility requirements for the Twilight Series, an event for offshore boats, but did require that each boat have a valid

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PHRF rating certificate and that all boats meet the safety standards of the ISAF Offshore Special Regulations for a Category 4 race. The race committee rejected the entry of *Hevn*, a modified Etchells 22, stating: “Since our course designations include areas in the Atlantic Ocean and the Race Committee doesn’t feel your craft is an offshore vessel, the Race Committee is rejecting your entry into this series.” *Hevn* requested redress, claiming that the action was discriminatory and that she held a valid PHRF rating and met the requirements of the ISAF Offshore Special Regulations for a Category 4 race. Neither of these claims was disputed, but the protest committee upheld the decision of the race committee and denied *Hevn*’s request for redress.

Hevn appealed, stating that the action was unjust and discriminatory, that she met the requirements of the sailing instructions, and that similar boats had been accepted in other offshore events. She also contended that rule 76.1 requires a “legitimate” reason for rejecting an entry.

Decision of the Appeals Committee

This event was for offshore boats. The race committee concluded that *Hevn* was not an offshore boat in the generally accepted meaning of the term, and therefore was not suitable for the event. In the absence of specific eligibility requirements in the sailing instructions, the committee used rule 76.1 to reject *Hevn*’s entry. In doing so it stated the reason, thereby complying with the rule.

The appellant’s belief that the rule requires a “legitimate” reason is incorrect. Rule 76.1 does not state or imply any qualitative tests for the acceptability of the reason other than that the reason cannot be arbitrary or capricious or based on race, color, religion, gender, age or national origin (see the prescription to rule 76.1). A race committee has broad authority to make such judgments as it considers necessary to ensure that a race or regatta is conducted so as to follow the intentions of the organizing authority, as well as the rules governing the event.

Hevn’s appeal is denied. The decision of the protest committee is upheld, and *Hevn*’s entry remains rejected.

September 1986

APPEAL 54

Shields 28 Request for Redress

Definitions, Rule

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Rule 62.1(a), Redress

Rule 845, Governing Rules

A race committee is bound by the sailing instructions because they are rules. When a boat's ~~placescore~~ in a series is made significantly worse by a race committee action which is contrary to a sailing instruction, the boat is entitled to redress.

Facts and Decision of the Protest Committee

The sailing instructions provided for written changes, and the race committee correctly posted an earlier starting time for the first race on the last day of the regatta, expecting to be able to hold two races. Although the sailing instructions provided that “No race will be started after 10:00 a.m.,” the committee started the final (fifth) race at 10:15 a.m. As a result of the fifth race, the final regatta finishing place of *Shields 28* went from 1st to 2nd. She requested redress under rule 62.1(a). The protest committee dismissed the request, having concluded that the race committee’s error did not prejudice the finish of *Shields 28* in that race. *Shields 28* appealed.

Decision of the Appeals Committee

A race committee’s breach or ignoring of a sailing instruction is an improper action or omission, since the sailing instructions are a part of the rules governing a race, regatta or other series. The definition Rule includes the sailing instructions, and rule 845 required the race committee to conform to them in its conduct of the races. By starting the final race of the regatta 15 minutes later than the latest permissible time, and including in the regatta results a race that should not have been held, the score of *Shields 28*’s place in the series was made significantly worse. The words “~~placescore~~ in a ~~race or~~ series” in rule 62.1 cannot be ignored.

Shields 28’s appeal is upheld. The decision of the protest committee is reversed, and the regatta is to be rescored omitting the fifth race.

April 1986

APPEAL 56

Boat 1 (Interlake Class) Request for Redress

Rule 64.1(b), Decisions: Penalties and Exoneration

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Rule 70, Appeals and Requests to a National Authority

Rule 86.1(b), Changes to the Racing Rules

The sailing instructions may change a rule only if permitted to do so in rule 86.1(b). Denying any of the results of a successful appeal is equivalent to denying the right of appeal. A boat that retires in acknowledgment of breaking a rule in an incident thereby takes a penalty, although she may still be protested for her breach. If valid, the protest must be decided. However, no additional penalty may be imposed, unless the penalty for the rule that she broke is a disqualification that may not be excluded from her series score.

Facts and Decision of the Protest Committee

The sailing instructions stated that “all legal protests will be heard regardless of whether either contestant finished”; that “a boat which does not finish or retires scores points equal to one more than the number of finishers” but a boat “disqualified scores points equal to the number of boats registered”; that a disqualification may not be excluded from a boat’s series score; and that a “decision of the protest committee can be appealed; however, there shall be no appeal...as to the awarding of points for the championship.”

Boat 1 made contact with *Boat 10* and retired from the race in acknowledgment of breaking a rule without finishing the race. *Boat 10* protested *Boat 1*, and the protest committee disqualified *Boat 1*. *Boat 1* requested redress, arguing, among other things, that she had retired and should be scored accordingly. The protest committee denied the request. *Boat 1* appealed.

Decision of the Appeals Committee

Rule 86.1(b) does not permit sailing instructions to change rule 70 or Appendix R, which govern appeals. The sailing instruction that stated that an appeal decision would not affect a boat’s score did not comply with rule 86.1(b), because it had the same effect as denying the right of appeal. If a boat retires in acknowledgment of breaking a rule, she thereby takes a penalty and the protest committee is prohibited by rule 64.1(b) from penalizing her further. However, the rules do not prohibit protesting a boat for an incident after which she retires in acknowledgment of breaking a rule. If valid, the protest must be decided, even though the protest committee is prohibited from

imposing any additional penalty on the boat that retired, unless the penalty for a rule that she broke is a disqualification that is not excludable from her series score.

Boat 1's appeal is upheld. The decision of the protest committee is reversed, and *Boat 1* is to be scored DNF ("Did not *finish*"). The series results and, if affected, the awarding of prizes are to be changed accordingly.

August 1987

QUESTION 58

Interpretation Requested by the Corinthian Yacht Club

Rule 86.3, Changes to the Racing Rules

Defines "local races."

Question

What is the meaning of "local races" in the prescription to rule 86.3?

Answer

Local races are those in which normally the same group of people from a limited geographic area regularly race together.

April 1989

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QUESTION 59

Interpretation Requested by North Sails

World SailingISAF Regulation 20, Advertising Code

Sailbags and turtles are "equipment," and are subject to the rules of the World SailingISAF Advertising Code.

Question 1

Are sailbags and sail turtles "equipment" for the purposes of World SailingISAF Regulation 20.7.1 and Table 2?

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Answer 1

Yes. Also see [World Sailing/ISAF](#) Regulation 20.2.1.

Question 2

Is advertising on sailbags and sail turtles limited to one maker's mark ~~no longer that fits within a square no larger~~ than 300mm in length on each side of the equipment?

Answer 2

Yes. However, class rules, notices of race and sailing instructions may, under circumstances stated in [World Sailing/ISAF](#) Regulation 20 ([World Sailing/ISAF](#) Advertising Code), permit additional advertising.

April 1990

APPEAL 60

Flying Scot 36 vs. Flying Scot 92

Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty

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

Rule 44.1 does not provide time for a boat to deliberate whether she has broken a rule. If a boat decides too late that she has broken a rule, the penalty provided by rule 44 is not available to her.

DIAGRAM

Facts and Decision of the Protest Committee

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Flying Scot 36 (W) and Flying Scot 92 (L), both on starboard tack, made contact three to four hull lengths before rounding the leeward mark. After the contact, each boat hailed protest and displayed a protest flag.

Each felt that the other boat had broken a rule. Both boats rounded the mark and proceeded on port tack up the windward leg of the course. W, after sailing about three hull lengths, tacked onto starboard and sailed about ten more hull lengths through the balance of the fleet (three or four

boats) still on the downwind leg. W then took a Two-Turns Penalty. L protested W, claiming that W had broken rule 11 (On the Same Tack, Overlapped).

The protest committee found that W had broken rules 11 and 14 (Avoiding Contact), and disqualified her because she had not exonerated herself by following rule 44.2, since she sailed for several minutes before starting her penalty. W appealed.

Decision of the Appeals Committee

Rule 44.1 permits a boat to take a penalty at the time of the incident. Rule 44.2 requires the boat to sail well clear of other boats as soon as possible after the incident and promptly make two turns as described in the rule. Together, these rules require a boat that decides to take a penalty to do so as soon as possible after the incident. The rule does not provide for time for a boat to deliberate whether she has broken a rule. If she delays in doing her penalty turns, she is still liable to be disqualified.

The facts found by the protest committee, including in particular the official diagram, lead to the conclusion that W did not sail well clear of all other boats “as soon ~~as possible~~ after the incident as possible... .” No facts were found to suggest that any other boat’s presence prevented W from sailing well clear and completing her penalty turns before rounding the mark. In fact, she chose to round the mark, tack and proceed several hull lengths upwind before beginning her penalty turns.

W’s appeal is denied, and the decision of the protest committee is upheld. W remains disqualified.

September 1990

APPEAL 61

Lido 14 4830 vs. Lido 14 4509

Rule 61.1, Protest Requirements: Informing the Protestee

“First reasonable opportunity” means as soon as practicable, not as soon as convenient.

DIAGRAM

Facts and Decision of the Protest Committee

Shortly before finishing a race, *Lido 14 4830* (PW) and *Lido 14 4509* (PL) were close-reaching

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on port tack. As they approached the finishing line, PW hailed PL for room to pass astern of a starboard-tack boat (S). PL passed astern of S and finished. PW, believing she was not given sufficient room, tacked onto starboard to leeward of S, gybed onto port, luffed to a close-hauled course, tacked onto starboard, crossed the finishing line, and then hailed “Protest.”

The protest committee found the protest invalid and closed the hearing because the hail was not made “at the first reasonable opportunity” as required by rule 61.1. PW appealed.

Decision of the Appeals Committee

“First reasonable opportunity” means as soon as practicable, not as soon as convenient. The maneuvers performed by PW after the incident and before hailing clearly demonstrate that her hail was not made at the first reasonable opportunity.

PW’s appeal is denied, and the decision of the protest committee is upheld.

April 1992

APPEAL 62

International One Design 15 vs. International One Design 1

Rule 63.3(a), Hearings: Right to Be Present

If witnesses can overhear or observe any portion of the hearing except when present to give testimony, they are not “excluded.”

Facts and Decision of the Protest Committee

International One Design 15 and International One Design 1 were involved in an incident at a mark. *IOD 15* protested, and *IOD 1* was disqualified by the protest committee after a hearing. The hearing was held in a room approximately 20 feet by 20 feet, in which the witnesses were present throughout the hearing. The protest committee stated in its conclusions that, because of the size of the room and the noise level, it was unlikely that any of the witnesses could have heard any portion of the hearing except while giving their own testimony.

IOD 1 appealed on several procedural grounds, including the claim that during the hearing at least one witness for *IOD 15* was allowed to remain in the room where the hearing was held other than while giving testimony.

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Decision of the Appeals Committee

The room in which the protest hearing was held was small enough that witnesses could have observed the positioning of model boats and overheard portions of the hearing other than while giving their own testimony. Therefore, witnesses were not “excluded except when giving evidence,” as required by rule 63.3(a). Because of this error, which was not correctable, the hearing was invalid.

IOD 1's appeal is upheld. The decision of the protest committee is reversed, and *IOD 1* is reinstated in her finishing place.

November 1992

APPEAL 63

Boomorang vs. Premature Acceleration

Rule 63.3(a), Hearings: Right to Be Present

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Rule 63.6, Hearings: Taking Evidence and Finding Facts

If the protest committee accepts, without the consent of the parties, written testimony from witnesses who are not available to be questioned, or fails to exclude witnesses except when they are giving their own testimony, the hearing is invalid.

Facts and Decision of the Protest Committee

Boomorang believed that she saw *Premature Acceleration* touch a mark while racing and protested. The protest committee disqualified *Premature Acceleration* for breaking rule 31 (Touching a Mark). She appealed, claiming that the protest committee had made several procedural errors, including failing to exclude witnesses except when giving evidence and accepting, without the consent of the parties, written testimony from witnesses not present, and that the hearing was therefore invalid.

Decision of the Appeals Committee

Replies from the protest committee to the appeals committee's questions under rule R5.4 (Inadequate Facts; Reopening) show that the protest committee erred in its conduct of the

hearing. First, it accepted, without the consent of the parties, written testimony from two witnesses who were not present, and therefore not available to be questioned. Rule 63.6 gives the parties to the hearing the right to question any person who gives evidence. Second, the committee allowed witnesses to remain in the hearing room throughout the hearing, including the times when the parties and other witnesses were giving their evidence and being questioned. Rule 63.3(a) requires that witnesses be excluded from the hearing except while giving their own evidence. Because of these errors, which were not correctable, the hearing was invalid.

Premature Acceleration's appeal is upheld. The decision of the protest committee is reversed, and *Premature Acceleration* is reinstated in her finishing place.

April 1993

APPEAL 64

Star USA 7602 Request for Redress

Definitions, Party

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Rule 70.1, Appeals and Requests to a National Authority

A boat may appeal a ~~redress~~ ~~protest~~ decision only if she is a party to the hearing in which the decision was made. A boat is not a party to a redress hearing merely because her finishing place is affected by a decision on another boat's request for redress. A boat does not become a party to a hearing by requesting that the hearing be reopened.

Facts and Decision of the Protest Committee

Star USA 7179 (A) requested redress after Race 3 of the Bacardi Cup series, claiming that the race committee had improperly displayed a signal governing the start of the race. Neither Star USA 7592 (B) nor Star USA 7602 (C) participated in the hearing of A's request for redress, nor requested in writing to do so, under the prescription to rule 63.2 (Time and Place of the Hearing: Time for Parties to Prepare). The protest committee decided the redress request by directing the race committee to re-sail the race.

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~~B, under rule 66 (Reopening a Hearing), requested that the hearing be reopened, claiming that the protest committee had erred in its decision and that she was a party to the hearing of A's request for redress because her finishing score had been affected. She also requested redress, claiming that her series score had been made significantly worse by the protest committee's decision. The protest committee decided not to reopen the hearing and refused to consider B's request for redress. The protest committee decided the redress request by directing the race committee to re-sail the race. Star USA 7592 (B), under rule 66 (Reopening a Hearing), requested that the hearing be reopened, claiming that the protest committee had erred in its decision, that she was a party to the hearing of A's request for redress, and that she was entitled to redress. The protest committee decided not to reopen the hearing and refused to consider B's request for redress.~~

After the last race of the series, the protest committee reconvened with different members, reopened A's request for redress at the request of the race committee, reversed its original decision, and directed that Race 3 be included in the series results. *Star USA 7602 (C)* C then requested redress, claiming that her series score had been ~~made significantly worse~~materially prejudiced by the protest committee's latest decision. The protest committee refused to hear C's request for redress and she appealed.

Decision of the Association Appeals Committee

The association appeals committee upheld C's appeal because the protest committee had refused to hear her request for redress. It also directed that Race 3 be excluded from the series after concluding that the protest committee had erred by including it. B appealed.

Decision of the Appeals Committee

Only a party to a hearing may appeal. A boat is a party to a hearing when she is a protestor, a protestee, or a boat requesting redress or for which redress is requested. B was not a party to the hearing in A's request for redress merely because her series results were affected by the decision on that request for redress. Furthermore, B did not participate in that hearing or request in writing to do so, which would have required the protest committee to request redress for her, as was her right under the prescription to rule 63.2. For the same reasons, B was not a party to C's request for redress. She was a party to a hearing in her request for redress concerning the protest committee's decision on A's request for redress, but she did not appeal the protest committee's decision not to hear her request for redress.

~~Only a party to a hearing may appeal. A boat is a party to a hearing when she is a protestor, a protestee, a boat requesting redress or for which redress is requested, or a boat that may be~~

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~~penalized under rule 69.2 (Allegations of Gross Misconduct: Action by a Protest Committee). B was not a party to a hearing in any decision appealed to the association appeals committee or to the US Sailing Appeals Committee. She was a party to a hearing in her request for redress concerning the protest committee's decision on A's request for redress, but she did not appeal the decision not to hear her request for redress. She did not become a party to the hearing in which A's request for redress was heard, nor was she a party to that hearing merely because her series results were affected by the decision on that request for redress. For the same reasons, B was not a party to C's request for redress.~~

Since B was not a party to the protest committee's decision that was appealed to the association appeals committee by C, her appeal to US Sailing is invalid and cannot be considered.

Because there was no valid appeal to US Sailing, the US Sailing Appeals Committee cannot consider the correctness of the association appeals committee's decision. Therefore, that decision remains unchanged and Race 3 is excluded from the series.

September 1993

Revised January 2017

APPEAL 65

Flying Scot 80 vs. Flying Scot 112

Rule 61.1(a), Protest Requirements: Informing the Protestee

The test of whether two occurrences were one or two incidents is whether the second occurrence was the inevitable result of the first. A boat intending to protest another boat for two incidents during a race, no matter how close in time, must inform the protested boat that two protests will be lodged.

Facts and Decision of the Protest Committee

Flying Scot 80, on starboard tack, and Flying Scot 112, on port tack, were beating to windward. As they converged, Flying Scot 80 bore away below Flying Scot 112 to avoid a collision. While Flying Scot 80 was still bearing away, Flying Scot 112 tacked. A collision occurred while Flying Scot 112 was tacking. There was no damage or injury. At the time Flying Scot 112 tacked, Flying Scot 80 was to leeward of Flying Scot 112.

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Flying Scot 80 hailed “Protest” immediately after the collision. *Flying Scot 112* then took a Two-Turns Penalty.

The protest committee concluded that *Flying Scot 112* had broken rule 10 (On Opposite Tacks) in one incident, and rules 13 (While Tacking) and 14 (Avoiding Contact) in another. The protest committee disqualified *Flying Scot 112* because she had taken only one Two-Turns Penalty. *Flying Scot 112* appealed.

Decision of the Appeals Committee

The test of whether two occurrences were one or two incidents is whether the second occurrence was the inevitable result of the first. Times, distances, the actions of each boat and the prevailing conditions are all relevant to this test; the number of rules that may have been broken is not.

Flying Scot 112’s tack to starboard and the resulting contact were not the inevitable result of her breaking rule 10, because she could have continued on port tack. Therefore, the appeals committee concludes that the boats were involved in two separate incidents.

Rule 61.1(a) refers to “an incident.” A boat intending to protest another boat for two incidents during a race, no matter how close in time, must inform the protested boat that she intends to protest twice. Because *Flying Scot 112* hailed “Protest” without indicating that two protests would be made, there was only one valid protest. After the incidents, *Flying Scot 112* took one Two-Turns Penalty. Since there is nothing in the facts found to suggest otherwise, the appeals committee assumes that *Flying Scot 112* exonerated herself from the breach in the incident that was the subject of the valid protest.

Flying Scot 112’s appeal is upheld. The decision of the protest committee is reversed, and *Flying Scot 112* is reinstated in her finishing place.

December 1994

APPEAL 66

Leading Lady vs. Aliens Ate My Buick

Rule 61.1(a), Protest Requirements: Informing the Protestee

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

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A 2 inch by 8 inch protest flag on a 40-foot boat is not of sufficient size or of suitable proportions to be “conspicuously displayed.”

Facts and Decision of the Protest Committee

Near the windward mark, *Leading Lady* and *Aliens Ate My Buick*, two 40-foot boats, were involved in an incident. *Leading Lady* immediately hailed “Protest” and displayed a 2 inch by 8 inch strip of red cloth from her backstay. The protest committee concluded that the strip of red cloth was inadequate to qualify as a flag on a 40-foot boat, and therefore found the protest to be invalid and closed the hearing. *Leading Lady* appealed.

Decision of the Appeals Committee

The strip of red cloth qualified as a protest flag in the context of rule 61.1(a) because it was a red flag. However, rule 61.1(a) also requires a boat to “conspicuously display” the protest flag. This requirement is necessary to inform other boats in the race, as well as the boat to be protested, that a boat intends to protest.

The phrase “conspicuously display” must be interpreted in the context of the size of the boat displaying the flag. An object that is conspicuous is not merely visible; it “catches one’s eye or attention” or is “obvious to the eye or mind” (dictionary references). Whether the flag is displayed conspicuously depends on a number of considerations, such as the place on the boat from which the flag is displayed, its proximity to other objects of the same or a similar color, and the size of the flag in relation to the size of the boat. On a 40-foot boat a 2 inch by 8 inch flag is too small to be conspicuous. In this case, the flag’s proportions also detracted from the conspicuousness of its display.

Since the requirement of rule 61.1(a) that the flag be conspicuously displayed was not met, the protest committee, acting under rule 63.5, should have found that the protest was invalid for that reason, and closed the hearing. The protest committee’s reason for finding the protest invalid is incorrect.

Leading Lady’s appeal is denied, and the decision of the protest committee is corrected as described above.

December 1994

APPEAL 67

635 vs. 2641

Rule 61.1(a), Protest Requirements: Informing the Protestee

Failure to display a protest flag during a period of time when some member of the crew is not otherwise occupied is a failure to display it “at the first reasonable opportunity.” If a protest flag is not displayed at the first reasonable opportunity, the protest is invalid and the hearing must be closed.

Facts and Decision of the Protest Committee

Two 20-foot boats were approaching the windward mark. Just before rounding, 635 was clear ahead of 2641. 2641, moving faster than 635, hit the transom of 635. At the time of the incident, each crew member of 635 was prepared to hoist the spinnaker. However, immediately after the incident the helmsman inspected the transom for damage and found only minor damage. While he did so, for approximately 20 seconds, the two other crew members were unoccupied. The spinnaker was then set, and after that the protest flag was displayed. The protest committee concluded that the flag was not displayed at the first reasonable opportunity, declared the protest invalid, and closed the hearing. 635 appealed.

Decision of the Appeals Committee

635 did not display her protest flag “at the first reasonable opportunity,” as required by rule 61.1(a). During the time before the spinnaker was hoisted, two crew members had a reasonable opportunity to display the protest flag, but did not do so.

635’s appeal is denied, and the decision of the protest committee is upheld.

December 1994

APPEAL 69

Zoom vs. Golden Greek

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

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Rule 63.3(a), Hearings: Right to Be Present

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

Rule 63.6, Hearings: Taking Evidence and Finding Facts

A protest committee must find facts to decide whether or not a protest is valid, basing that decision on evidence taken in a protest hearing in compliance with the rules.

Facts and Decision of the Protest Committee

Zoom protested *Golden Greek*. The protest committee believed the protest was delivered too late and, without holding a hearing, decided that it was invalid. *Zoom* appealed.

Decision of the Appeals Committee

Rule 63.5 requires a protest committee to decide at “the beginning of the hearing...whether all requirements for the protest...have been met.” This requires the protest committee to open a hearing, then take evidence and find sufficient facts to determine whether or not the protest is valid. The hearing must be conducted in compliance with the rules.

The rules impose several requirements for conducting a hearing. Among them are that the parties must be notified of the time and place of the hearing (see rule 63.2); that the parties be permitted to be present when evidence is taken (see rule 63.3); and that the protestor be allowed to bring evidence that the protest is valid (see rule 63.6). None of these procedures were followed in reaching the decision that the protest was invalid.

Zoom’s appeal is upheld. The decision of the protest committee is nullified. As rule 71.2 (National Authority Decisions) permits, the protest is returned for a new hearing, which must begin with finding facts about the validity of the protest.

May 1996

APPEAL 70

Montana vs. Dauntless

Rule 11, On the Same Tack, Overlapped

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Rule 17, On the Same Tack; Proper Course

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

When about to pass a windward mark, a boat's proper course may be to sail above close-hauled.

DIAGRAM

Facts and Decision of the Protest Committee

Dauntless (W), on port tack, crossed ahead of *Montana* (L), on starboard tack, and tacked to windward of L without breaking rule 13 (While Tacking). W was clear ahead of L when she reached a close-hauled course. Soon after, they became overlapped with very little separation between them. The boats remained overlapped at the zone. The protest committee concluded that W failed to stay clear and forced L to bear off below the mark. In her defense, W claimed that L sailed above close-hauled before bearing away.

The protest committee disqualified W for breaking rules 11 and 18.2(b). W appealed.

Decision of the Appeals Committee

As the windward and outside boat, W was required by rule 11 to keep clear of L, and by rule 18.2(b) to give her mark-room. Concerning rule 17, there are no facts as to whether L sailed above close-hauled, but her proper course when approaching the windward mark would have been to sail above close-hauled if that action was required to pass the mark. We see no evidence in the written facts or diagram that she broke rule 17.

W's appeal is denied. The decision of the protest committee is upheld, and W remains disqualified.

May 1996

APPEAL 71

Risky Business vs. Blonde Attack

Rule 16.1, Changing Course

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Part 2, Section C Preamble

Rule 18.1(d), Mark-Room: When Rule 18 Applies

Rule 19.1, Room to Pass an Obstruction: When Rule 19 Applies

Rule 64.1, Decisions: Penalties and Exoneration

Section C rules apply at starting marks not surrounded by navigable water. Rule 19, not rule 18, applies when the mark is a continuing obstruction. Rule 19 does not apply until boats are at an obstruction. A penalty can be given even when the protesting boat does not mention the applicable rule.

DIAGRAM

Facts and Decision of the Protest Committee

Before the start, *Blonde Attack* (A), a J/105, and *Risky Business* (B), a J/27, were beam-reaching on starboard tack parallel to the starting line. B was about one hull length below the starting line, and A was less than a hull length below B. A was clear ahead by about one hull length. They were both approaching a seawall, an obstruction which was perpendicular to the starting line. The port end of the starting line was on the seawall.

When A's bow was two hull lengths from the obstruction, she luffed to a close-hauled course. B bore away and tried to go astern of A, but B's bow made contact with A's starboard stern quarter, causing damage to A. A protested B under rule 18.2(b) (Mark-Room: Giving Mark-Room), and B protested A under rule 16.1. The protest committee disqualified A under rule 16.1 and she appealed.

Decision of the Appeals Committee

The starting mark was a continuing obstruction not surrounded by navigable water. Therefore, rule 18 does not apply, and rule 19 applies when the boats are at the obstruction (see Section C preamble and rule 18.1(d)).

A was clear ahead when the incident began, and therefore held right of way under rule 12 (On the Same Tack, Not Overlapped). When A luffed, two lengths from the obstruction, rule 16.1 required her to give B room to keep clear and she did so. The diagram shows that B had more

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than enough room to keep clear, by luffing in response to A's luff. She bore away instead. The boats made contact because B changed course toward A, not because of any failure by A to comply with rule 16.1. During the luff the boats became overlapped and rule 11 (On the Same Tack, Overlapped) began to apply. Therefore B broke rule 11. She also broke rule 14 (Avoiding Contact) by not avoiding contact with A. However, A did not break rule 14 because it was not reasonably possible for her, the right-of-way boat, to avoid contact with B.

When A was two lengths from the obstruction, she was not yet "at" it, and therefore rule 19 did not apply (see rule 19.1). However, when A was "at" the obstruction, B would also be required to give her room to pass the obstruction under rule 19.2(b) (Room to Pass an Obstruction: Giving Room at an Obstruction).

A's appeal is upheld. The fact that A did not mention the applicable rule is irrelevant (see rule 64.1). The decision of the protest committee is reversed, A is reinstated in her finishing place, and B is disqualified for breaking rules 11 and 14.

March 1996

APPEAL 72

Family Hour vs. Zephyros

Rule 49.2, Crew Position; Lifelines

A crew member briefly leaning out over a boat's lifelines to hold a spinnaker guy after the pole has been removed in preparation for rounding a mark does not break rule 49.2.

Facts and Decision of the Protest Committee

When approximately 30 seconds from the leeward mark, *Zephyros* released the spinnaker guy from the spinnaker pole and a crew member held the guy by hand, leaning out over the lifelines so as to maximize the distance between the hull and the guy until the spinnaker had to be lowered. Lifelines were required by the class rules. The protest committee disqualified *Zephyros* under rule 49.2 and she appealed.

Decision of the Appeals Committee

Rule 49.2 allows the torso of a crew member to be outside the lifelines briefly if the crew is performing "a necessary task." Without a spinnaker pole, a spinnaker is less efficient and more

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unstable. As a boat prepares to round a leeward mark, removing the pole is one of the first necessary steps. From that time until the spinnaker is lowered, holding the guy by hand is a less effective but nonetheless useful means of controlling the spinnaker, which remains a “necessary task” even without the pole. This interval of time is normally a brief one, since generally there is no advantage in flying a spinnaker without a pole.

In this case, where there were approximately 30 seconds remaining before rounding the mark, the time between releasing the guy and lowering the spinnaker was necessarily shorter than that, and met the requirement of “briefly.”

Zephyros’ appeal is upheld. The protest committee’s decision is reversed, and *Zephyros* is reinstated in her finishing place.

December 1996

APPEAL 78

S2 7.9 185 vs. S2 7.9 525

Definitions, Room

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Rule 15, Acquiring Right of Way

Rule 21(a), Exoneration

Rule 60.3(a)(2), Right to Protest, Right to Request Redress or Rule 69 Action

~~Rule 64.1(a), Decisions: Penalties and Exoneration~~

A boat that acquires right of way over a second boat and causes the second boat to break a rule of Part 2 in order to keep clear of her, breaks rule 15 by not initially giving the second boat room to keep clear.

DIAGRAM

Facts and Decision of the Protest Committee

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After determining that the protest was valid, the protest committee realized that L might have

broken a rule, and protested her under rule 60.3(a)(2). It followed the procedures of rule 61.1(c), and then heard the protests together.

Three S2 7.9s, 520 (L), 525 (M) and 185 (W), were sailing close-hauled on port tack approaching the starting line to start. The wind was 11–14 knots. M was just overlapped with and approximately one and one-half lengths to windward of L. W, sailing slightly faster than M, became overlapped approximately one length to windward of M just prior to the starting signal. After the starting signal but prior to crossing the starting line, L tacked to starboard and acquired right of way over M. M responded by immediately tacking to starboard to keep clear of L, but after completing her tack M was less than ten feet from W. M and W immediately luffed head to wind, but unavoidably collided beam to beam. L avoided contact with M by tacking back to port.

The protest committee found that M had completed her tack and kept clear of L, but completed her tack so close to W that the collision was inevitable. The committee disqualified M for breaking rule 16.1 (Changing Course), and she appealed.

Decision of the Appeals Committee

While tacking and subject to rule 13, L was required to keep clear of other boats. Once on a close-hauled course, she acquired right-of-way as a starboard-tack boat over M on port tack. Rule 15 required L to initially give M room to keep clear. M promptly tacked to starboard, the only option available to her. When M completed her tack, she immediately broke rule 15 in relation to W, as shown by the fact that she and W collided despite both boats taking immediate avoiding action. The room L was required to give MW under rule 15 included space for M to comply with her obligations under the rules of Part 2. L, by depriving M of the space necessary to comply with rule 15 relative to W, failed to give M room to keep clear.

L broke rule 15 against M. M broke rule 15 against W and W broke rule 10 against M. However, both M and W were sailing within the room to which they were entitled under rule 15 and are therefore exonerated under rule 21(a).

~~L broke rule 15 against M. M broke rule 15 against W, but is exonerated under rule 64.1(e). W broke rule 10 against M, but is also exonerated. Both M and W were compelled to break rules 15 and 10 respectively.~~

M's appeal is upheld. The decision of the protest committee is changed. L is disqualified, and M is reinstated in her finishing place.

September 1999

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APPEAL 82

E Scow V-751 vs. E Scow M-9

Rule 61.1(a), Protest Requirements: Informing the Protestee

A boat is not obligated to give priority to displaying a protest flag at the cost of the crew failing to act to keep the boat under control or delaying a spinnaker set.

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Facts and Decision of the Protest Committee

At the windward mark, *E Scow M-9* tacked within the zone onto starboard tack below *E Scow V-751*, approaching the mark on starboard tack. As a result, *V-751* had to sail above close-hauled and, in the same incident, *M-9* hit the mark with her boom. *V-751* hailed "Protest" within three to five seconds after *M-9* hit the mark. The next leg was a short "offset" leg, set at approximately 110 degrees to the windward leg. Wind speed was 15-20 m.p.h. After passing the windward mark, *V-751* sailed the offset leg with all crew members hiking to windward to prevent the boat from capsizing. She then bore away around the offset mark, set her spinnaker and displayed her protest flag. The flag was displayed within 12-20 seconds after *M-9* hit the windward mark. The protest committee upheld the protest and disqualified *M-9* for breaking rule 18.3(a) (Mark-Room: Tacking in the Zone), and rule 31 (Touching a Mark). *M-9* appealed, claiming that *V-751* did not hail or display her protest flag in sufficient time.

Decision of the Appeals Committee

This appeal is concerned with whether or not *V-751* hailed "Protest" and displayed her protest flag at the first reasonable opportunity for each, as required by rule 61.1(a).

The protest committee found that *V-751* hailed within three to five seconds after *M-9* hit the mark. Three to five seconds was short enough to justify the conclusion that the hail was made at the first reasonable opportunity after the incident.

The protest committee also found that *V-751* displayed her protest flag between 12 and 20 seconds after *M-9*'s boom hit the mark. The committee concluded that "reasonable opportunity" in this case was determined in part by the need for all crew members to hike to windward to keep the boat under control and to hoist and set the spinnaker. We agree with the protest committee's view that a boat is not obligated to give priority to displaying a protest flag at the cost of the crew

failing to act to keep the boat under control or delaying a spinnaker set.

For these reasons, *M-9*'s appeal is denied. The protest committee's decision is upheld, and *M-9* remains disqualified.

April 2002

QUESTION 83

Interpretation Requested by the Lake Michigan Sail Racing Federation

Definitions, Mark

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Definitions, Obstruction

Definitions, Rule

Government buoys marking a security zone are not obstructions unless they fit the terms of the definition Obstruction. Boats may pass such obstructions on either side unless the sailing instructions prohibit sailing inside the security zone. A boat cannot be penalized under the racing rules for violating government regulations unless the sailing instructions make the regulations a rule governing the event.

Assumed Facts

Chicago has several water intake cribs off its shoreline. The cribs are approximately 150 feet in diameter, rise 25 feet above the water, and are surrounded by navigable water. After September 11, 2001, the U.S. government issued security regulations that established "security zones" around these cribs. A ring of buoys marks the perimeter of each security zone, with the buoys approximately 100 yards from the crib. The security regulations state that "No vessel is to penetrate this zone." The sailing instructions state that one of these cribs is a mark of the course. The notice of race and sailing instructions contain no statement that makes the U.S. government security regulations applicable. The sailing instructions do not define the buoys as marks, or the areas identified by the buoys as obstructions.

Question 1

Are the perimeter buoys part of the mark?

Answer 1

No. Only the water intake crib is the mark.

Question 2

Are the perimeter buoys obstructions?

Answer 2

No. The perimeter buoys are not obstructions, unless they (a) are so large as to qualify under the first part of the definition Obstruction, (b) cannot be safely passed on either side, or (c) form an area designated as an obstruction by the sailing instructions, as provided in the second sentence of the definition Obstruction.

Question 3

If the buoys are obstructions, can boats pass on either side without penalty?

Answer 3

Yes. No rule prohibits passing an obstruction on a particular side. However, if the buoys form an area designated by the sailing instructions as an obstruction, and if the sailing instructions also prohibit sailing inside the area, a boat passing the side of a buoy that is inside the area could be protested and penalized. The prohibition is necessary because designating the area as an obstruction only brings rules 19 (Room to Pass an Obstruction) and 20 (Room to Tack at an Obstruction) into play, and nothing in those rules prohibits sailing “inside” an obstruction.

Question 4

If a boat violates the U.S. government security regulations by sailing inside the security zone, can she be penalized under the racing rules?

Answer 4

No. A boat cannot be penalized under the racing rules unless the sailing instructions make the applicable U.S. government security regulation a rule governing the event.

May 2003

APPEAL 84

Lizzie B. vs. Windfall

Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

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Rule 21(a), Exoneration

Rule 60.3, Right to Protest; Right to Request Redress or Rule 69 Action

Rule 61.1(c), Protest Requirements: Informing the Protestee

Rule 64.1(+) , Decisions: Penalties and Exoneration

Rule R5.4, Inadequate Facts; Reopening

An appeals committee cannot require a protest committee to protest a boat. A protest committee can decide that a boat not a party to the hearing broke a rule, although it cannot penalize her. A protest committee complying with rule R5.4 by reopening a hearing to provide additional facts is not entitled to change the decision it made in the original hearing.

DIAGRAM

Facts and Decision of the Protest Committee

Prior to the start, there was an incident involving three overlapped boats: *Lizzie B.* (L), *Windfall* (M) and *Syzygy* (W). L, on a close-hauled course, hailed M to keep clear. M hailed W for room to keep clear but W did not respond. M curtailed her luff to avoid contact with W. L protested M for breaking rule 11 (On the Same Tack, Overlapped). Neither L nor M protested W. The protest committee decided that both M and W had broken rule 11 but that W's position prevented M from luffing. It therefore exonerated M under rule 64.1(a). It did not penalize W because she was not a party to the hearing. L appealed, claiming that M failed to "strongly assert her right-of-way rights" over W and therefore was not entitled to exoneration.

Decision of the Association Appeals Committee

The association appeals committee said the protest committee's decision that W broke rule 11 was improper, because W had been unable to defend herself as a party to the hearing. Acting under rule R5.4, it directed that "the hearing be reopened and W be made a party to the hearing in accordance with rule 61.1(c)." The protest committee proceeded to protest W, then reopened the hearing and changed its original decision by disqualifying W. It did not change M's exoneration.

L appealed again. The association appeals committee denied the appeal, and L appealed to US Sailing.

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Decision of the Appeals Committee

Rule R5.4 permits an appeals committee to direct a protest committee to reopen a hearing only “when [the appeals committee] decides [the facts] are inadequate” or that additional information is needed. The association appeals committee therefore erred in attempting to use rule R5.4 to direct the protest committee to reopen the hearing so as to “make W a party” to the hearing. A protest committee’s decision to protest a boat is discretionary, as provided in rule 60.3 and therefore an appeals committee has no authority in the matter.

The association appeals committee also erred when it concluded that the protest committee acted improperly in deciding that W broke rule 11. A protest committee cannot penalize a boat that has broken a rule if that boat is not a party to a hearing (see rules 63.1 [Hearings: Requirement for a Hearing] and 64.1(+) [Decisions: Penalties and Exoneration]). However, no rule precludes a protest committee from deciding, based on the facts, that any boat in the incident has broken a rule. In this case, although W was not a party to the hearing, the protest committee was able to find sufficient facts to decide that she broke rule 11.

In addition, throughout the incident M and W were required to keep clear of L by rule 11. As the right-of-way boat, L was an obstruction to the other two boats. Between M and W, M was the inside boat and W was the outside boat. As the outside boat, W was required by rule 19.2(b) to give M room between her and L. “Room” was the space M needed to sail between L and W in a seamanlike way in the existing conditions, including space to comply with her obligations under the rules of Part 2 (see the definition Room). W failed to give room to M and therefore broke rule 19.2(b).

In responding to the association appeals committee’s decision, the protest committee failed to comply with rule 61.1(c). When acting under that rule, a protest committee must make the decision to protest “during the hearing of a valid protest.” In this case, however, the protest committee informed W that she was being protested on the day before the hearing was reopened. The protest was therefore invalid.

The protest committee also erred in changing its original decision by disqualifying W. When acting on a request from an appeals committee under rule R5.4, a protest committee is limited to promptly providing the additional facts or information to the appeals committee; the protest

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committee does not have the right to change its decision.”

A rehearing under rule Rule R5.4 is limited to providing or finding additional facts-

L’s appeal is denied. The association appeals committee’s first decision is nullified, and its second decision concerning M’s exoneration is upheld. The protest committee’s original decision is upheld. W broke rule 11, but is not penalized because she was not a party to the hearing. M also broke rule 11, but is exonerated under rule 21(a) or 64.1(a).

April 2003

Revised January 2017

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QUESTION 86

Interpretation Requested by the Balboa Yacht Club

Definitions, Finish

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Rule 21, Exoneration

Rule 62.1, Redress

Rule 64.1(a), Decisions: Penalties and Exoneration

A boat that touches a finishing mark and then takes a penalty does not finish until she crosses the finishing line after taking her penalty. Exoneration does not provide for cancelling a penalty a boat has taken voluntarily or for compensating her for distance, time or places lost in taking the penalty. A boat that voluntarily takes a penalty and thereby worsens her score is not entitled to redress.

DIAGRAM (new diagram)

Assumed Facts

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Two 24-foot boats overlapped on starboard tack, WI to windward and LO to leeward, approach a finishing mark to be left to starboard. WI was overlapped inside LO when the first of them reached the zone. WI crosses the finishing line, but in doing so she touches the finishing mark because LO has not given her sufficient mark-room. WI hails “Protest,” then takes a penalty under rule 44.2 (Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties), and

re-crosses the finishing line. The race committee scores WI based on her second crossing of the finishing line. The protest committee disqualifies LO for failing to give WI mark-room as required by rule 18.2(b) (Mark-Room: Giving Mark-Room).

Assumed Facts

~~Two 24-foot boats, OS on starboard tack and IP on port tack, approach a finishing mark to be left to starboard. IP crosses the finishing line, but in doing so she touches the finishing mark because OS has not given her sufficient mark room. IP informs OS of her intent to protest, takes a penalty under rule 44.2 (Penalties at the Time of an Incident: One Turn and Two Turns Penalties), and re-crosses the finishing line. The race committee scores IP based on her second crossing of the finishing line. The protest committee disqualifies OS for failing to give IP mark room as required by rule 18.2(b) (Mark-Room: Giving Mark-Room).~~

DIAGRAM

Question 1

May the protest committee exonerate WIIP under rule 21 or rule 64.1(a) and instruct the race committee to score her based on her first crossing of the finishing line?

Answer 1

The protest committee is required to exonerate WIIP under rule 21 or rule 64.1(a) but her score cannot be based on her first crossing of the finishing line. WIIP crossed the finishing line, and then touched the finishing mark before clearing the line. She then took a One-Turn Penalty to exonerate herself for her breach of rule 31, as permitted by rule 44.2. Once IP took her penalty, she had not “finished” yet (see the definition Finish). She "finished" and complied with rule 44.2 when, after completing her penalty and sailing completely to the course side of the line, she crossed the finishing line again (see the second sentence in rule 44.2 and the definition Finish). The protest committee cannot ignore or undo the penalty.

Question 2

In this situation, would WIIP be entitled to redress, possibly in the form of basing her score on her first crossing of the finishing line?

Answer 2

No. For a boat to be entitled to redress, rule 62.1 requires that her score must have been made significantly worse “through no fault of her own.” When a boat voluntarily takes a penalty and thereby loses distance, time or places, her own actions prevent her from meeting that requirement.

Furthermore, none of the conditions for redress in rules 62.1(a), (b), (c) or (d) are met.

August 2005

Revised January 2017

QUESTION 87

Interpretation Requested by the Bayview Yacht Club

Rule 86.1(c), Changes to the Racing Rules

“Class rules” as used in rule 86.1(c) and elsewhere in the racing rules refers to rules of a class association. A class association is an association of people who, among other things, control the rules that state the physical specifications for boats of that class. Only class associations have the authority to change racing rules under rule 86.1(c).

Assumed Facts

An association of clubs publishes rules to govern the racing among the clubs for one-design classes, including rules on competitor eligibility, courses, scoring and personal equipment that may be used while racing. One rule changes rule 42 (Propulsion), and the association cites rule 86.1(c) as its authority to make the changes.

Question 1

Is the association a “class” within the meaning of *The Racing Rules of Sailing*?

Answer 1

No. “Class” as used in *The Racing Rules of Sailing* refers to either

- a) a class of boat; i.e., a grouping of boats of a specific kind that conform to prescribed physical specifications, or
- b) a class association; i.e., an association of people who, among other things, control the rules that state the physical specifications for boats of that class, which are used to determine whether or not a particular boat is, in fact, a boat of that class. These rules are the class rules for that boat. The association does not fit this description and therefore is not a class association.

Question 2

Do the rules of the association validly change rule 42?

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Answer 2

No. In rule 86.1(c), class rules are the rules of a specific class association (see Answer 1). Since the association is not a class association, its rules are not class rules and therefore cannot change rule 42.

October 2005

APPEAL 89

The Dumpster vs. Flood Tip

Definitions, Mark-Room

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Rule 13, While Tacking

Rule 18.1, Mark-Room: When Rule 18 Applies

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

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

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

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A boat that enters the zone clear astern does not necessarily have to give the boat clear ahead mark-room under rule 18.2(b) until the boat clear ahead completes her rounding maneuver. During the maneuver, all of rule 18 may cease to apply, or rule 18.2(b) alone may cease to apply. In either case, if the boat clear ahead tacks she becomes subject to rule 13 when she passes head to wind.

DIAGRAM

Facts and Decision of the Protest Committee

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Approaching a windward mark to be left to port on port tack on a close reach, *Flood Tip* (B) was clear astern of three overlapped port-tack boats, *Bad Moon* (I) on the inside, *The Dumpster* (M) in the middle, and *mr. happy* (O) on the outside. At the mark, I tacked to starboard on a course to the

offset mark. The other two overlapped boats, M and O, continued past the mark on close-hauled courses and then began to luff as part of their tacking maneuvers. In the meantime, B, sailing faster, rounded the mark and overlapped M to windward. After passing the mark, B was changing course away from M. M stopped her luff when she reached head to wind. Had she continued her tacking maneuver, M would have been hit approximately amidships on her port side by B. M protested B.

The protest committee disqualified B, concluding that she was obligated to give mark-room to M until M had completed her tack, which was part of her rounding maneuver. B appealed.

Decision of the Appeals Committee

While B was clear astern of M, B was required by rule 12 (On the Same Tack, Not Overlapped) to keep clear and by rule 18.2(b) to give mark-room. When they became overlapped, B was required by rule 11 (On the Same Tack, Overlapped) to keep clear. The protest committee erred in thinking that B was required by rule 18.2(b) to give mark-room to M until M completed her rounding maneuver. Mark-room did not include room to tack because M was not overlapped to windward and on the inside of B (see the definition Mark-Room).

When B became overlapped with M, M had left the mark on its required side and had room to sail up to head to wind which was as far as she could change course without passing head to wind. Therefore B had given M mark-room and rules 18.2(b) and 18.2(c) had ceased to apply (see rule 18.2(d)). Furthermore, if M had passed head to wind, rules 18.2(b) and 18.2(c) would have also ceased to apply (see rules 18.1(a) and 18.2(d)), and rule 13 would have begun to apply. Because M did not pass head to wind, rule 13 did not apply. Neither B nor M broke a rule.

~~While B was clear astern of M, B was required by rule 12 (On the Same Tack, Not Overlapped) to keep clear and by rule 18.2(b) to give mark room. When they became overlapped, B was required by rule 11 (On the Same Tack, Overlapped) to keep clear and by rule 18.2(b) to continue to give mark room, which she did by changing course away from M.~~

~~The protest committee erred in thinking that B was required by rule 18.2(b) to give mark room to M until M completed her rounding maneuver. Mark room did not include room to tack because M was not overlapped to windward and on the inside of B (see the definition Mark Room). If M had passed head to wind, rule 18.2(c)'s last sentence would have made rule 18.2(b) inapplicable at that time, and rule 13 would have begun to apply. Because M did not pass head to wind, rule 13 did not apply. Neither B nor M broke a rule.~~

B's appeal is upheld. The decision of the protest committee is reversed and B is reinstated in her

finishing place.

June 2006

Revised January 2017

APPEAL 90

Brain Cramp Request for Redress

Rule 62.2, Redress

“Incident” in rule 62.2 refers to an occurrence that fits within one of the four categories listed in rule 62.1. When a boat is scored OCS and requests redress, the incident is the alleged race committee error made soon after the start of the race. When there is good reason to do so, the protest committee is required to extend the time limit for delivering a request for redress.

Facts and Decision of the Protest Committee

At the start of a race at approximately 1400 on Friday, the race committee properly identified *Brain Cramp* as being 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”) but did not hail her number as required by the sailing instructions. The race committee came ashore at 1700, and by 1730 had posted the scores listing *Brain Cramp* as OCS. *Brain Cramp* believed that she had started correctly. She finished first in the race, returned to shore and left the venue before the scores were posted. The protest time limit was 1800. *Brain Cramp* returned to the venue around 2100 and saw the posted scores. The sailing instructions required protests to be “filed with the protest committee at the Protest Desk... .” It was reasonable to expect that requests for redress should be filed in the same way. At the time that *Brain Cramp* saw that she was scored OCS, there was no one at the protest desk. *Brain Cramp* delivered her request to the protest committee on Saturday as soon as it was possible to do so.

The protest committee decided that the request for redress was invalid because it was not delivered within the time limit. The protest committee considered the “incident” referred to in rule 62.2 to be the posting of the scores, and on that basis determined that the time limit for the request was two hours after the posting, or 1930 on Friday. *Brain Cramp* appealed, alleging that

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her discovery of the posted scores, not their posting, was the incident.

Decision of the Appeals Committee

“Incident” in rule 62.2 refers to an occurrence that fits within one of the four categories listed in rule 62.1. In this case, the incident was the alleged omission by the race committee of *Brain Cramp*’s number from the list of hailed OCS boats, which occurred soon after the start of the race, not the posting of the scores. Because the protest time limit was later than two hours after the incident, the time limit for the request for redress was the protest time limit (see rule 62.2).

There is no rule that requires the race committee to post the scores at a particular time, nor is there any rule that requires competitors to look for posted scores at any particular time. Although it may be advisable to look for the scores the same day they are posted, it is not required, nor is it always practical or possible to do so. It is, however, reasonable to expect a boat to look at the scores before racing the next day.

Rule 62.2 requires the protest committee to extend the time limit “if there is good reason to do so.” In this case, at the end of the time limit *Brain Cramp* had not seen the scores, so it would have been unreasonable to expect her to deliver a request for redress within that time limit. Therefore the protest committee was obligated to extend it.

The appeal is upheld. The protest committee is directed to extend the time limit for delivering *Brain Cramp*’s request for redress to a reasonable time; for example, a time after the protest desk was staffed on Saturday. The protest committee is also directed to reopen the hearing of *Brain Cramp*’s request for redress.

June 2006

APPEAL 91

Protest Committee vs. Competitor X

Rule 69.2(ca), ~~Allegations of Gross~~ Misconduct: Action by a Protest Committee

An allegation of misconduct must be sufficiently specific to permit the competitor to prepare a defense.

Facts and Decision of the Protest Committee

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After the fourth race of a regatta, the protest committee received a report alleging that in that race Competitor X deliberately collided with another boat and used intimidating and abusive language.

The protest committee notified Competitor X in writing that a rule 69 hearing would be held the following morning. The notice stated that “a hearing will be convened to inquire into your alleged unsportsmanlike conduct during racing yesterday.”

In the hearing, the protest committee found that Competitor X deliberately broke several rules and used aggressive behavior and intimidation to gain an unfair advantage. The protest committee disqualified Competitor X’s boat and instructed the race committee to score the boat D~~NEGM~~ (“Disqualification ~~that is for gross misconduct~~ not excludable) under rule ~~69.2(h)(2),90.3(b)~~”) for the fourth race. Competitor X appealed, claiming that the protest committee did not inform him of the alleged misconduct.

Decision of the Appeals Committee

Hearings conducted under rule 69 require the protest committee to first inform the competitor in writing of the alleged misconduct; see rule 69.2(~~ea~~). The allegation must be sufficiently specific to permit the competitor to prepare a defense.

In this case, the protest committee’s reference to “unsportsmanlike conduct” in its hearing notice failed to inform the competitor of the specific misconduct that was alleged to be unsportsmanlike. Therefore the appeal is upheld. The protest committee’s decision is nullified, and Competitor X’s boat is reinstated in her finishing place.

June 2006

APPEAL 92

Vuja De vs. Tutto Bene

Rule 14(a), Avoiding Contact

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

Rule 18.2(~~ed~~), Mark-Room: Giving Mark-Room

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Rule 21, Exoneration

Rule 31, Touching a Mark

Rule 64.1(a), Decisions: Penalties and Exoneration

“Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee. Even when rounding a mark, a right-of-way boat must act to avoid contact when it is clear that the other boat is not keeping clear or giving mark-room.

DIAGRAM

Facts and Decision of the Protest Committee

In winds of 10–12 knots, two cruising class boats on port tack, *Vuja De* and *Tutto Bene* (Boat A and Boat B), were broad-reaching on converging courses toward a leeward mark to be left to port. Boat B, larger and faster, was overtaking A on a course that would take her inside A at the mark. Just before A reached the zone, she hailed “No overlap” and B hailed “Overlap” and “Mark-room.”

Boat B, now overlapped inside, continued to overtake A. At position 3 in the diagram, A luffed sharply into B’s path. Boat B’s bow struck A’s windward side near her stern, and the force of the impact spun A’s hull counter-clockwise so that her bow hit the mark. Both boats were damaged.

Both boats protested, A citing rules 11 (On the Same Tack, Overlapped), 14 and 18.2(b), and B rules 14 and 18.2(b). Boat A also argued that because she was rounding the mark within the mark-room to which she was entitled and therefore exonerated for any breach of rule 16.1 (Changing Course) under rule 21, rule 14 did not apply in her case. The protest committee disqualified B for breaking rules 11, 14 and 18.2(b). After considering whether A had broken rule 14 it decided that “at the time the imminent collision became apparent to A, it was impossible for her to make any maneuver that would help avoid the collision.” Boat B appealed.

Decision of the Association Appeals Committee

The association appeals committee upheld the protest committee’s decision that B broke rules 11, 14 and 18.2(b), but also disqualified A for breaking rule 14. Boat A appealed.

Decision of the Appeals Committee

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Concerning rule 18.2(b), whether or not the boats were overlapped when A reached the zone determines its applicability. Rule 18.2(~~ed~~) applies when there is doubt about that. “Doubt” refers both to doubt by boats involved in or observing an incident and to doubt by the protest committee during a hearing. In this case, the exchange of hails between the boats when the overlap status was not obvious was evidence that there was doubt as to whether B had obtained the overlap in time, and therefore it should have been presumed that she had not. Boat B failed to keep clear as required by rule 11 and to give mark-room as required by rule 18.2(b).

Since there was a collision rule 14 also applied. As the boats neared the mark, B should have anticipated that A was about to change course to round the mark, and she should have been aware that when A was rounding the mark within the mark-room to which she was entitled, she would be exonerated under rule 21(a) if she broke rule 16.1. Boat B could have avoided contact with A by taking avoiding action before A changed course, and it was “reasonably possible” (see rule 14) for her to do so. She also could have avoided sailing into a position that made it impossible for her to avoid contact after A changed course. Therefore B broke rule 14 as well as rule 11 and 18.2(b).

Boat A also was subject to rule 14. Her argument that rule 14 did not apply to her because she is exonerated from any breach of rule 16.1 is incorrect. Rule 21 does not provide for exoneration for breaking rule 14 even when the right-of-way boat is entitled to mark-room.

Somewhere between position 2 and position 3 in the diagram it became clear that B was not keeping clear of A nor giving her mark-room. However, A made no attempt to avoid contact, but instead luffed toward the mark. Her luff made contact inevitable. The protest committee concluded that A did not break rule 14, because at the moment she realized that a collision was “imminent” it was too late for her to avoid it. However, rule 14(a) refers to a different moment: it requires a right-of-way boat to act to avoid contact when “it is clear that the other boat is not keeping clear or giving room or mark-room.” Before A luffed, well before she realized the collision was imminent, she could see that B was not keeping clear nor giving mark-room. That was when rule 14 required her to act to avoid contact. Although she can be exonerated ~~for~~from breaking rule 16.1 when she was changing course to round the mark, she cannot be exonerated ~~from~~for breaking rule 14 by failing to avoid the collision.

Boat A also broke rule 31 when she touched the mark. However, rule ~~64.1(a)~~21(b) provides for exoneration of a boat “compelled” to break ~~a~~-rule 31. Although A was partially responsible for the collision with B, her contact with the mark was not a necessary consequence of that collision. Boat A had no means of anticipating that a boat about to be overlapped between her and the mark

might cause her to hit the mark, nor did she have any means of avoiding the mark after the collision. She therefore was compelled by B to break rule 31, so was entitled to exoneration under rule ~~21(b).64.1(a).~~

Boat A's appeal is denied. She remains disqualified for breaking rule 14 but is exonerated for her breach of rule 31.

June 2006

QUESTION 93

Interpretation Requested by the San Diego Yacht Club

Rule 41(c), Outside Help

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Rule 41(d), Outside Help

Rule 85.1, Changes to Rules

Rule 86.1(b), Changes to the Racing Rules

Rule 89.2(a), Notice of Race; Appointment of Race Officials

Rule 90.2(a), Sailing Instructions

Rule J1.2(1), Notice of Race Contents

~~Rule J1.2(1), Notice of Race Contents~~

The term "information freely available" in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. "Easily obtained" means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. The term "information freely available" refers only to the information, not to equipment or software needed to receive or read the information.

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Question 1

In rule 41(c), what does "information freely available" mean?

Answer 1

The term “information freely available” in rule 41(c) means information available without monetary cost and easily obtained by all boats in a race. “Easily obtained” means the information is available from public sources that competitors can reasonably be expected to be aware of and can locate with little effort. An example is information on the National Weather Service (NOAA) website and its radio stations.

Information for which a fee has been paid or that is not easily obtained by all boats in a race is not “freely available.” Examples are information supplied only to those boats that have paid a subscription or other fee, and information whose source is obscure.

The term “information freely available” refers only to the information, not to equipment or software needed to receive or read the information. A fee paid to connect to a network that is free and publicly available, such as the Internet, is not a fee paid for the information available there. Similarly, the cost of a computer or software used to connect to or search the Internet is not a cost of the information obtained by those means.

However, if the access to the information, including any equipment or software, is provided for a fee by the same person or entity that provides the information, then the information has a monetary cost and is not “freely available.” Examples are satellite radio companies and ocean routing services when they have charged the recipient of the information a subscription fee for accessing their channels or files.

Question 2

In rule 41(d), can the term “disinterested source” be interpreted using the definition [Conflict of Interest/Interested Party](#)?

Answer 2

No. A disinterested source is one that is completely impartial concerning the outcome of the race.

Question 3

In rule 41(d), does the term “unsolicited” refer to the act of requesting information or of marketing the information?

Answer 3

The term “unsolicited” means not requested by the recipient.

Question 4

Can an organizing authority restrict the information that can be received by a boat without modifying rule 41?

Answer 4

No. However, the notice of race (which the organizing authority is required to publish; rule 89.2(a)) or the sailing instructions (which the race committee is required to publish; rule 90.2(a)) may change some racing rules, one of which is rule 41 (rule 86.1(b)). If either document changes a rule, it must specifically identify the rule when stating the change (rule 85.1). Furthermore, changes to rule 41 that permit the receipt of otherwise prohibited information or restrict the information that can be received by a boat while racing would often help competitors decide whether to attend the event or convey information competitors will need before the sailing instructions become available. In such a circumstance, the change must be included in the notice of race (rule J1.2(1)). See also World Sailing Case 120.

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~~No. An organizing authority cannot change any rule, including rule 41. The sailing instructions, which are published by the race committee under rule 90.2(a), can change rules in compliance with rule 86.1(b). If the sailing instructions will change rule 41, the notice of race, which is published by the organizing authority under rule 89.2(a), must identify the rule as required by rule J1.2(1). Changes to rule 41 that permit the receipt of otherwise prohibited information or restrict the information that can be received by a boat while racing would certainly help competitors decide whether to attend the event or convey information competitors will need before the sailing instructions become available (see rule J1.2).~~

February 2007

Revised January 2017

QUESTION 94

Interpretation requested by the Columbia Model Yacht Racing Association

Rule 60.2(b), Right to Protest; Right to Request Redress or Rule 69 Action

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Rule 60.3(b), Right to Protest; Right to Request Redress or Rule 69 Action

Rule 60.4(b), Right to Protest; Right to Request Redress or Rule 69 Action

Rule 62.2, Redress

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

Rule 63.1, Hearings: Requirement for a Hearing

Rule 64.2, Decisions: Decisions on Redress

Rule 65.2, Informing the Parties and Others

Rule 89.2(b), Notice of Race; Appointment of Race Officials

Rule 91, Protest Committee

Rule E6.6, Redress

At a radio sailing regatta, the race director may be both the chairman of the race committee and the protest committee, and may be a committee of one. Properly submitted protests and requests for redress must be heard by the protest committee. Redress can be given for more than one race. The protest committee must provide its decision in writing if properly requested by a party.

Assumed Facts

A regatta was held for radio sailing boats and was sailed under *The Racing Rules of Sailing* as changed by Appendix E, Radio Sailing Racing Rules. A race director was appointed by the organizing authority, which was the host club, to be the chairman of both the race committee and the protest committee. The race director was the only member of each committee.

Question 1

May the race director be the chairman of both the race committee and the protest committee at the same event?

Answer 1

Yes. Under rules 89.2(b) and 91, the organizing authority appoints the race committee and can appoint the protest committee, or under rule 91 the race committee can appoint the protest committee. In either case, the same person can serve on both committees.

Question 2

May a protest committee have only one member?

Answer 2

Yes. Although it is generally preferable to have more than one, no rule specifies the number of members of a protest committee.

Question 3

May the race director refuse to accept a written request for redress that is properly submitted?

Answer 3

No. All protests and requests for redress that are delivered to the race office must be heard by the protest committee unless the protest committee allows the protest or request to be withdrawn by the boat (see rule 63.1).

Question 4

May the race director give redress to a boat without a hearing being conducted?

Answer 4

No. A decision on redress may not be made without a hearing by the protest committee that complies with the rules in Part 5, Section B (see rule 63.1).

Question 5

May the race director give redress to any boat?

Answer 5

Yes, provided a boat has requested request in writing and identified the reason for making it (see rules 62.2 and 64.2) and the request meets the requirements of rule 62.1 as amended by rule E6.6, or the race ~~_or_~~ protest or technical committee has requested redress or called a ~~redress~~ hearing to consider redress on behalf of a boat under rule 60 or the US Sailing prescription to rule 63.2.-2(b) or 60.3(b), and the protest committee has conducted a hearing.

Question 6

May a boat be given redress for more races than the one in which the redress incident took place, and can the scores of other boats that did not request redress be adjusted?

Answer 6

Yes. Rule 64.2 requires the protest committee to “make as fair an arrangement as possible for all boats affected.” The arrangement might be, for example, to adjust the scores of one or more boats for one race, for several races, or for the series as a whole.

Question 7

After a protest or redress hearing, may the race director withhold a written decision from a person requesting it?

Answer 7

No, provided the person requesting the written decision was a party to the hearing and requested the written decision in writing from the protest committee within seven days of being informed of the decision (see rule 65.2).

March 2007

APPEAL 96*Pocito Request for Redress***Rule 30.2, Starting Penalties: Z Flag Rule**

When the Z Flag Rule is in effect, a boat in the triangle defined in that rule during the minute before the starting signal can avoid being penalized only if the race is postponed or abandoned before the starting signal that would end that one-minute period.

Facts and Decision of the Protest Committee

In a regional championship of the J/24 class, the race committee made four starting signals in five attempts to start Race 4. After each of the first two starting signals there was a general recall. For the third attempt the preparatory signal was flag Z, to signal that rule 30.2 was in effect. During the minute before the starting signal, *Pocito* was in the triangle defined in rule 30.2. She therefore broke the rule and became subject to the 20% scoring penalty, provided that the race was “not... postponed or abandoned before the starting signal” (see rule 30.2’s penultimate sentence).

At the end of the one-minute period the third starting signal was made, followed by a general recall. The race was not postponed or abandoned before that starting signal. During the fourth attempt the race was postponed before the starting signal. Then the fifth attempt was made and was successful. *Pocito* was scored with a 20% scoring penalty. She requested redress, which the protest committee denied. She appealed, arguing that she should not have been penalized because the race “was postponed prior to its successful start,” which was during the fifth attempt.

Decision of the Appeals Committee

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The appellant's argument substituted the starting signal in the fourth attempt for the starting signal in the third attempt. Rule 30.2 referred to the third starting signal, the one that ended the one-minute period in which *Pocito* broke rule 30.2. When the Z Flag Rule is in effect, a boat in the triangle defined in that rule during the minute before the starting signal can avoid being penalized only if the race is postponed or abandoned before the starting signal that would end that one-minute period.

The appeal is denied, and the decision of the protest committee is upheld. *Pocito*'s score for Race 4 remains unchanged.

April 2007

APPEAL 97

Silhouette vs. Air Boss

Definitions, Clear Astern and Clear Ahead; Overlap

Rule 10, On Opposite Tacks

Rule 14, Avoiding Contact

Rule 18, Mark-Room

Rule 18.1, Mark-Room: When Rule 18 Applies

Rule 18.2, Mark-Room: Giving Mark-Room

When rule 18 applies, there must be both an "inside" and an "outside" boat in order for rule 18.2 to create rights and obligations. When boats are approaching a mark from different directions, there may be no "inside" or "outside" boat, in which case the rules of Section A and B apply.

DIAGRAM

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Facts and Decision of the Protest Committee

Two PHRF fleets in the same event were racing on different courses that used the same government buoy as a rounding mark. For one fleet it was a windward mark, to be left to port. For the other fleet it was a leeward mark, also to be left to port. Two boats in the first fleet approached the mark close-hauled on starboard tack, with *Silhouette*, a Beneteau 40.7, overlapped to leeward and about one half of a hull length behind *CC Rider*. *Air Boss*, a J/105 sailing in the other fleet, approached the mark on a broad reach, also on starboard tack. When *Air Boss* was about one hull length from the mark, she gybed onto port and luffed to round the mark. As she luffed, her bow made contact with the port side of *Silhouette*, causing damage. At the time of contact, *Silhouette* was going about 5.5 knots, and *Air Boss* about 3.5. *Silhouette* and *Air Boss* protested each other.

The protest committee decided that rule 18 applied, and that when *Air Boss* reached the zone, *Silhouette* and *Air Boss* were overlapped, since neither was clear astern of the other. It decided that at that time *Silhouette* was the leeward boat, and that rule 11 applied, requiring *Air Boss* to keep clear. It also decided that *Silhouette* was the inside boat with respect to the mark, and therefore *Air Boss* was required by rule 18.2(b) to give mark-room.

The protest committee also decided that since rule 18 applied, the gybe by *Air Boss* did not break the overlap, rule 18.2(b) continued to apply, rule 11 no longer applied, and rule 10 began to apply. The committee further decided that as *Air Boss* began to luff, she failed to give mark room and to keep clear of *Silhouette*, breaking rules 10 and 18.2(b). Since it was reasonably possible for *Air Boss* to avoid the contact and she failed to do so, she also broke rule 14. When it became clear that *Air Boss* was not going to keep clear, *Silhouette* was unable to change course to avoid the contact, because of the presence of *CC Rider* to windward. Therefore *Silhouette* did not break rule 14. *Air Boss* was disqualified, and appealed.

Decision of the Appeals Committee

At position 1, *Air Boss* reached the zone and rule 18 began to apply (see rule 18.1). At that time, *Silhouette* and *Air Boss* were overlapped.

The first sentence of rule 18.2(b) concerns situations in which boats are overlapped when approaching a mark. However, in order for that sentence to create rights and obligations between two boats, there must be both an “inside” and an “outside” boat. An “inside” boat refers to the one rounding or passing “between” the other boat and the mark. At position 1 on the diagram, neither *Air Boss* nor *Silhouette* can be identified as the inside or the outside boat in the sense that

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one of them is (or is about to be) “between” the other boat and the mark. If the courses of the boats were projected straight ahead, neither boat would pass between the mark and the other boat. Alternatively, if the courses were projected to show the boats sailing around the mark, each boat’s course would pass between the mark and the other boat’s course. Neither of these methods identifies an “inside” or “outside” boat.

In these circumstances, no part of rule 18 creates any obligations, and therefore rule 10 applies. Beginning at position 4 in the protest diagram, *Air Boss* was on port tack, and was required to keep clear of *Silhouette*, on starboard tack. In colliding with *Silhouette*, *Air Boss* broke both rules 10 and 14, and is disqualified. As determined by the protest committee, *Silhouette* did not break rule 14, since it was not reasonably possible for her to avoid the contact in the very short interval of time after it became clear that *Air Boss* would not pass astern of *Silhouette*.

The appeal by *Air Boss* is denied, and the decision of the protest committee is corrected as explained above.

April 2007

QUESTION 99

Interpretation Requested by the South Atlantic Yacht Racing Association

Introduction

Definitions, Rule

Rule 71.4, National Authority Decisions

The World Sailing/ISAF cases do not have the status of rules but are “authoritative interpretations and explanations of the rules.” Therefore, when the relevant facts from a protest are essentially similar to the facts of a case, the interpretations in the case should be accepted by the protest committee as correct interpretations of the racing rules for that protest.

Like the World Sailing/ISAF cases, the published US Sailing appeals are not rules. However, decisions of the US Sailing Appeals Committee are final; therefore, when the relevant facts from a protest are essentially similar to the facts of a US Sailing appeal,

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and no World Sailing~~ISAF~~ case conflicts with the interpretations in the appeal, a protest committee in the United States is well advised to follow the appeal in making its decision.

Question 1

Do the World Sailing~~ISAF~~ cases have the status of rules?

Answer 1

No. The World Sailing~~ISAF~~ cases are not rules (see the definition Rule), and therefore do not have the status of rules.

Question 2

What is the status of the World Sailing~~ISAF~~ cases?

Answer 2

The Introduction to *The Racing Rules of Sailing*, which ranks as a “rule” (see the definition Rule), states that the World Sailing~~ISAF~~ recognizes the interpretations in its Case Book as “authoritative interpretations and explanations of the rules.” Therefore, when the facts from a protest are essentially similar to the facts of a case, the interpretations in the case should be accepted by the protest committee as correct interpretations of the racing rules for that protest.

Question 3

What is the status of the published US Sailing appeals?

Answer 3

Like the World Sailing~~ISAF~~ cases, the published US Sailing appeals are not rules. However, as stated in rule 71.4, decisions of the US Sailing Appeals Committee are “final.” Therefore, when the facts from a protest are essentially similar to the facts of a US Sailing appeal, and no World Sailing~~ISAF~~ case conflicts with the interpretations in the appeal, a protest committee in the United States is well advised to follow the appeal in making its decision.

March 2007

QUESTION 100

Interpretation requested by the Noroton Yacht Club

Rule 32.1, Shortening or Abandoning After the Start

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Race Signals

A race committee may abandon a race after all the boats have finished or retired. If it is on shore, the committee need not announce the abandonment with race signals.

Assumed Facts

The race committee starts a two-lap windward-leeward race in good sailing conditions. After the leading boats round the first windward mark it appears that fog may settle in. When the first boat is 200 yards from the leeward mark, the race committee decides that the fog may create problems, and properly signals and executes a shortened course. All boats finish and their places are recorded. No more races are held that day. After the race committee is on shore, it decides that the fog had affected the fairness of the race and it abandons the race, posting a notice to that effect on the official notice board. No abandonment signals are made at any time.

Question 1

Is it a proper action for a race committee to abandon a race for one of the reasons listed in rule 32.1(a) to **(de)** after all boats have finished or retired?

Answer 1

Yes. Rule 32.1 allows a race committee to abandon such a race, provided it first considers “the consequences for all boats in the race or series.” The phrase “after one boat has sailed the course and finished” specifies the beginning of a time period that has no specified ending. Therefore, the time period does not end when two boats have finished, or when all boats have finished, or at any other specific later time.

Question 2

If abandoning such a race is a proper action of the race committee, does it make any difference whether the race committee does so while it is still on station, has left the racing area, or is on shore?

Answer 2

No.

Question 3

If abandoning such a race is a proper action of a race committee when it is on shore, must the race committee signal abandonment with “N,” “N over H,” or “N over A” with three sounds?

Answer 3

No. When the race committee is on shore, it normally will post its decision on the official notice

board.

Question 4

If a race committee abandons a race when it is on shore, is there a time limit before which it must do so?

Answer 4

No.

February 2008

QUESTION 101

Interpretation Requested by the Corinthian Sailing Club

Rule 28.1, Sailing the Course

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Rule 64.1(a), Decisions: Penalties and Exoneration

A right-of-way boat compelled by a keep-clear boat to cross the starting line early is not relieved of her obligation to start as described in the definition Start.

Assumed Facts

Five seconds before the start of the race, S and P converged close to the starting line. P luffed and passed head to wind in front of S. Before P came to a close-hauled course, S luffed in order to avoid a collision and, by doing so, crossed the starting line to the course side of the line.

At the starting signal, both boats were clearly on the course side of the starting line. S hailed "Protest" and displayed a red flag. P bore off around the starting mark, returned completely to the pre-start side of the starting line, and then crossed it. S sailed the course without returning to the pre-start side of the starting line.

The race committee scored S 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"). After the race P retired in acknowledgement of her breach of rule 13. S protested P, claiming she had been forced over the starting line because of P's breach of rule 13. The protest committee found that P broke rule 13, but did not penalize her because she had already taken a penalty. It then exonerated S under rule

64.1(a), deciding she had been compelled to break rule 28.1 because of P’s breach, and reinstated her in her finishing place.

Question

Was S compelled to break rule 28.1 and therefore correctly exonerated under rule 64.1(a)?

Answer

No. Rule 28.1 required S to “start” as stated in the definition Start and permitted her to correct an error in starting before she finished. Nothing prevented her from returning to the pre-start side of the starting line and starting correctly. Therefore she was not “compelled” to break rule 28.1, as the term is used in rule 64.1(a). Since S did not start correctly, she is to be scored OCS.

January 2009

APPEAL 102

Xtra Xtra vs. Pony Express

Rule 63.6, Taking Evidence and Finding Facts

A protest committee may find it difficult to reconcile conflicting testimony, but must not penalize a boat without first finding facts about the incident that led to the protest and basing its decision on them.

Facts and Decision of the Protest Committee

In light winds, *Pony Express* and *Xtra Xtra*, both 30-foot boats, approached a windward mark. As *Pony Express* rounded the mark, a crew member on *Xtra Xtra*, approximately 100 yards astern, believed he saw *Pony Express*’s spinnaker touch the mark as it was being hoisted. *Xtra Xtra* hailed “Protest” and displayed a red flag. After the race *Xtra Xtra* delivered a protest that met the requirements for validity and alleged that *Pony Express* had touched the windward mark with her spinnaker.

The protest committee found as fact that two other boats had heard *Xtra Xtra*’s hail, but found no facts relating to whether *Pony Express* had touched the mark. It decided to disqualify her for breaking rule 31 (Touching a Mark). *Pony Express* appealed.

Decision of the Appeals Committee

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In her appeal, *Pony Express* argued that the protest committee's procedures were improper in that it failed to comply with rule 63.6 when it disqualified her without finding facts to justify that decision.

In reply to questions from the appeals committee, the protest committee did not directly supply a finding of fact that *Pony Express* had touched the mark, but said it had based its decision on other considerations, discussed below.

Rule 63.6, one of the rules that govern a protest committee's procedures, requires it to "take the evidence," then "find the facts and base its decision on them."

In some cases a protest committee will hear conflicting testimony and therefore must attempt to resolve the conflict by evaluating the testimony to determine which of it is more trustworthy. In this case, however, the protest committee did not follow that procedure. It stated that because it had been unable to reconcile the conflicting testimony of the parties and no witnesses were presented to support the testimony of *Pony Express*, it based its decision on two considerations other than facts about the incident. One basis was that *Pony Express* failed to produce a witness to testify that she did not touch the mark, and the other was the assumed integrity of the protestor.

The committee's use of these considerations clearly did not constitute basing its decision on facts found as required by rule 63.6. That error was sufficient to make the decision invalid. The considerations themselves were also invalid. No rule requires a party to provide supporting witnesses, and although in some cases a protest committee may need to consider its impressions of a competitor's veracity when evaluating testimony, it cannot substitute those impressions for findings of fact about an incident.

The appeal is upheld, the protest committee's decision is reversed, and *Pony Express* is reinstated in her finishing place.

January 2009

APPEAL 103

*Alpha Puppy vs. Fleet S1 boats excepting Deception,
and
Jeannette vs. Fleet S2 boats excepting Jarlen*

Rule 28.21, Sailing the Course

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Rule J2.1(5), Sailing Instruction Contents

When the sailing instructions do not identify which marks are rounding marks as required by the rules, boats are not required to treat any marks as rounding marks.

DIAGRAM

Facts and Decision of the Protest Committee

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For PHRF Fleets S1 and S2, the course for Race 2 was course 21, described in the sailing instructions as “RC Boat–18–8–4–Knox Finish” with “All Marks Left to Port.” The course diagram was not incorporated into the sailing instructions. A change to the sailing instructions moving the starting and finishing areas to the “Race Deck” was posted during a postponement ashore.

The incidents described in the protests all involved how boats passed or rounded mark 4. If mark 4 was a rounding mark (see rule 28.21(b)), then boats would have been required to round mark 4 in such a way that a taut string representing their tracks would touch the mark in order to comply with rule 28.21 (solid-line course in the diagram). If mark 4 was not a rounding mark, then boats could have complied with rule 28.1-2 by merely passing mark 4 on their port sides (dashed-line course in the diagram).

After rounding mark 8, most boats sailed directly to the finishing area, leaving mark 4 to port without rounding it. Other boats, including the protestors, rounded mark 4, leaving it to port, and then sailed to the finish. *Alpha Puppy* and *Jeannette* protested all of the boats in their respective fleets that left mark 4 to port without rounding it.

The protest committee concluded that “the course was amended [by relocating the finishing line] in such a way that allowed, as a practical matter, a boat to travel from mark 8 to the finishing line while leaving mark 4 to port.” The protest committee reasoned that because the new finishing line location meant that the “taut string” would not touch mark 4, “RRS 28.21 was satisfied merely by passing it and leaving it to port.” It dismissed the protests, and both protestors appealed.

Decision of the Appeals Committee

The protest committee’s conclusion that the relocation of the finishing line resulted in changing mark 4 from a rounding mark to a passing mark was incorrect. Whether a mark is a rounding mark or a passing mark (see rule 28.21) is not changed solely because the configuration of the

course has changed.

Rule J2.1(5) requires that the sailing instructions “identify all rounding marks.”²² The sailing instructions failed to do so and therefore were ambiguous about whether any of the marks were rounding marks. When sailing instructions fail to identify any rounding marks, boats are not required to treat any marks as rounding marks. Therefore the boats that rounded mark 4 to port and the boats that only passed it on their port sides all complied with rule 28.²⁴

The appeal is denied, and the decision of the protest committee is confirmed to the extent that none of the protested boats that left mark 4 to port are to be disqualified.

December 2010

APPEAL 107

Optimist 13979 vs. Optimist 14949

Definitions, Interested Party

Rule 63.4, Interested Party

Rule 71.2, National Authority Decisions

A protest committee member whose child is competing in a race that includes the parties to the protest is an interested party, because the relationship between the parent and child is a “close personal” one. The protest committee member therefore will have a close personal interest in the protest committee’s decision, and therefore must not take part in the hearing.

Facts and Decision of the Protest Committee

In a regatta involving International Optimists, the fleet was divided into three sub-fleets for final scoring purposes, but all boats raced together and were scored as one fleet. In the last race, the boat finishing second protested the boat finishing first concerning an incident near a windward mark, and the protest committee disqualified the protestee. The protestee appealed, on the grounds that a member of the protest committee was an interested party. The protest committee member was the father of a competitor in the race who was neither a party to the hearing nor in the same sub-fleet as the protestor and the protestee.

Decision of the Association Appeals Committee

The association appeals committee decided that the father was an interested party because his child was a competitor in the race, and that the protest was therefore invalid. It upheld the appeal and reinstated the protestee. The protestor appealed, arguing that the protest committee member was not an interested party because the decision on the protest could not affect the scores in his son's sub-fleet or the relative scores of boats other than the protestor and the protestee in the overall fleet, and therefore the father's participation in the protest hearing would have no effect on his son's race score or series position.

Decision of the Appeals Committee

Concerning whether the protest committee member in question was an interested party, the definition Interested Party provides two meanings. The one applicable here is "a person...who has a close personal interest in" a protest committee's decision. The relationship between a parent and child will almost certainly be a "close personal" one. Therefore a parent on a protest committee would have a close personal interest in the decision on a protest involving parties in a race in which the parent's child was also a competitor. Accordingly, the father was an interested party and was prohibited from taking part in the hearing, other than to appear as a witness (see rule 63.4).

The reasoning that the father was not an interested party because the decision on the protest could not affect the relative scores of boats other than the protestor and the protestee is incorrect. Disqualification of one or both of the original parties to the hearing is not the only possible decision on a protest. Other possibilities include deciding to protest other boats, granting redress to some boats and abandoning the race.

The fact that an interested party was a member of the protest committee and as such took part in the hearing conflicted with the requirements of rule 63.4, and therefore the hearing is nullified. The protest itself was valid, however, and therefore the protestor was entitled to a proper hearing. As permitted by rule 71.2, the protest is to be returned to the regatta's organizing authority to arrange for a new hearing and decision by a new protest committee with no members from the original committee.

April 2012

Rule 11, On the Same Tack, Overlapped

Rule 15, Acquiring Right of Way

Rule 16.1, Changing Course

When a leeward boat is changing course toward a windward boat, she may need to change course away from the windward boat when the boats get near each other in order to continue to give the windward boat room to keep clear.

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DIAGRAM

Facts and Decision of the Protest Committee

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In 6-8 knots of wind, two Naval Academy 44s (44-foot sloops, 29,000 lbs. displacement, fin keel, spade rudder) were approaching the starting line on starboard tack. At about one minute before the start (position 1), NA 32 (W) was clear ahead and her speed was about 2.5 knots (10.5 seconds per boat length). Shortly before position 2, NA 25 (L), whose speed was about 3 knots (8.5 seconds per boat length) established an overlap from clear astern. Between positions 2 and 4, L was changing her course, first by luffing and then by bearing away, and W was changing her course to keep clear. No contact occurred. L protested W for breaking rule 11. Neither boat was penalized by the protest committee. L appealed.

Decision of the Appeals Committee

When L established her leeward overlap from clear astern, she initially gave W room to keep clear, as required by rule 15. Between positions 2 and 3, W was promptly luffing away from L. Between positions 2 and 4, while L, the right-of-way boat, was changing her course, she was required by rule 16.1 to give W room to keep clear. At position 3, L could sail her course with no need to take avoiding action because the difference in speeds between the boats and the closing angle were so slight. Furthermore, L would not have made immediate contact with W if she had luffed or borne away. However, if L had held her course W very soon would have been unable to keep clear. L then promptly bore away to meet her obligation under rule 16.1. Therefore, after the overlap began, W kept clear and L gave her room to do so. No rule was broken.

The appeal is denied, and neither boat is to be penalized.

April 2012

APPEAL 109

Early Bird Request for Redress

Definitions, Finish

Rule 32.2, Shortening or Abandoning after the Start

A race committee boat may be used as a starting line or finishing line mark at either end of the line. When the course is shortened at a rounding mark, that mark becomes a finishing mark, and is no longer a rounding mark. In the definition Finish, “from the course side” means from the side of the line where the boats sail from the mark that begins the last leg of the course to the finishing line.

DIAGRAM

Facts and Decision of the Protest Committee

During a race with rounding marks to be left to port, the race committee decided to shorten the course to finish at the windward mark. It established the finishing line between the windward mark and the race committee boat by positioning the race committee boat to be the port end of the finishing line. *Early Bird* sailed so that she left the starboard end mark of the finishing line to port, bore off and sailed between that mark and the race committee boat, and then left the racing area. She was scored Did Not Finish (DNF) and subsequently requested redress. She argued that it was an improper action for the race committee to anchor the race committee boat on the “non-rounding” side of the windward mark.

The protest committee agreed with *Early Bird* and gave her redress by directing that she be scored as having finished. The race committee appealed, arguing that scoring *Early Bird* DNF was correct because she had not crossed the finishing line established as provided in rule 32.2, and by crossing the line as she did, she had not finished as described in the definition Finish.

Decision of the Appeals Committee

The racing rules allow positioning a race committee boat used as a starting or a finishing mark at either end of the line, without regard to how boats are required to leave the rounding marks. When the course is shortened at a rounding mark, that mark becomes a finishing mark, and is no longer a rounding mark. In order to finish, boats are required to cross the finishing line from the course side (see the definition Finish). Concerning the meaning of the term “from the course side” in the definition Finish, it means from the side of the line where the boats sail from the mark that

~~begins the last leg of the course to the finishing line.~~

~~The race committee's appeal is upheld, and *Early Bird* is to be scored DNF.~~

~~September 2013.~~

QUESTION 110

Interpretation Requested by the US Sailing Offshore/Big Boats Management Committee

Basic Principles, Environmental Responsibility

Rule 55, Trash Disposal

Broken sail stops made of yarn or rubber bands that fall into the water are trash, even if they are biodegradable. Putting sail stops in the water breaks rule 55. The penalty for breaking rule 55 can be less than disqualification.

~~*However, rule 55 can be changed in the sailing instructions to permit their use.*~~

Assumed Facts

Boat A stops a sail using commercially available biodegradable yarn or rubber bands. When the sail is hoisted and the stops are broken, some of them fall into the water. Boat B protests A, alleging that she broke rule 55. In the hearing, A argues that the stops are not trash because they are biodegradable.

Question

Did Boat A break rule 55?

Answer

Yes. The broken sail stops that fall into the water, although biodegradable, are trash that the competitor intentionally put in the water; therefore Boat A broke rule 55. This applies at all times while afloat during an event; however the penalty for breaking rule 55 may be less than disqualification.

~~*However, rule 55 can be changed in the sailing instructions to permit putting sail stops in the water; see rule 86.1(b). The change should also be noted in the notice of race; see rule J1.2(1).*~~

~~*If rule 55 is changed to permit putting sail stops in the water, then in keeping with the new Basic Principle, Environmental Responsibility, it would be appropriate to require that sail stops be biodegradable.*~~

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September 2013

Revised January 2017

QUESTION 111

Interpretation Requested by the San Diego Yacht Club

Rule 65, Informing the Parties and Others

If an action is not specifically discussed in the rules of Part 5, Section B, a protest committee may act as it considers appropriate.

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Question 1

In rule 65.2 or any other rule in Part 5, Section B, is a protest committee prohibited from providing written copies of items listed in rule 65.1 to the parties without having received a written request for them?

Answer 1

No. When a rule of Part 5, Section B, does not specifically discuss an action, then that rule does not govern the matter in question. In this case, there is no rule discussing this action of the protest committee; therefore the protest committee may act as it considers appropriate.

Question 2

If one party submits a written request for a written copy of the items listed in rule 65.1, is a protest committee prohibited from also sending a copy to the other party without the second party having submitted a written request for it?

Answer 2

No. See Answer 1.

Question 3

Is a protest committee prohibited from posting the items listed in rule 65.1 on a bulletin board or notice board where they may be seen by anyone?

Answer 3

No. See Answer 1.

Question 4

If the action in Question 3 is permissible, is there a time period that must pass after the protest committee informs the parties of the decision before the items listed in rule 65.1 may be posted for public viewing?

Answer 4

No. See Answer 1.

Question 5

If a party submits a written request for a written copy of the items listed in rule 65.1 to the race committee or organizing authority, instead of the protest committee, is it permissible for the race committee or organizing authority to send the copy to the party?

Answer 5

Yes. See Answer 1.

Question 6

If a party submits a written request for a copy of the items listed in rule 65.1 to the race committee or organizing authority, instead of to the protest committee, is it permissible for the race committee or organizing authority to forward the request to the protest committee on behalf of the party, or must the party submit the request directly to the protest committee?

Answer 6

Rule 65.2 does not require that the party submit the written request directly to the protest committee.

September 2013

QUESTION 112

Interpretation Requested by the San Diego Yacht Club

Introduction

Definitions, Party

Rule 63.3(a), Right to be Present

Interpretations of the definition Party and rule 63.3(a) concerning representation in hearings, and a discussion regarding the terms in Terminology in the Introduction of The Racing Rules of Sailing.

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Question 1

In a protest hearing, who or what is considered a “protestor” and a “protestee” in the definition Party and therefore has “a right to be present throughout the hearing of all the evidence” under rule 63.3(a), Hearings; Right to Be Present?

Answer 1

A “protestor” is a boat or committee that has acted under rule 60, Right to Protest; Right to Request Redress or Rule 69 Action. A “protestee” is the boat being protested.

Question 2

It is stated in Terminology in the Introduction of *The Racing Rules of Sailing* that “boat” means “a sailboat and the crew on board.” If a party (as defined in the definition Party) is a boat, is the party entitled to have more than one member of the crew present throughout the hearing, or is the party required to select a single representative to be present on the party’s behalf throughout the hearing of all the evidence?

Answer 2

~~The rules do not directly discuss the question of whether more than one person who was on a boat during the race may represent that boat during a hearing. However, Appendix M, which is advisory, advises the protest committee to “make sure that...only one person from each boat (or party) is present [during the hearing] unless an interpreter is needed.” That practice is also recommended in the US Sailing *Judge’s Manual* and is generally used around the world. The reason usually given for this practice is that if a crew member testifies as a witness in a hearing, the testimony will be more credible if the crew member is not present when the boat’s representative describes the incident in question.~~

Rule 63.3(a) states that “A representative of each party to the hearing has the right to be present throughout the hearing of all the evidence.” Therefore each party is only allowed one representative in the hearing, unless an interpreter is needed (see Appendix M2.1).

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Question 3

Once a person is designated as the boat’s representative and appears at a hearing, is that person the only person who may act as the “party” on behalf of the boat for all subsequent hearings or other interactions with the organizing authority, race committee or protest committee?

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Answer 3

No. The person or persons having the authority to designate a boat’s representative (for example, an owner or co-owners) may terminate the appointment of one representative and appoint another

one.

Question 4

If the answer to Question 3 is “No,” then who are the person(s) entitled to represent the boat and act as the party?

Answer 4

A boat’s representative can be any person designated by the person or persons having the authority to do so, with the exception that at a hearing of a protest claiming a breach of a rule of Part 2, 3 or 4, the representative “shall have been on board at the time of the incident.” See rule 63.3(a).

Question 5

In the definition Party, the last sentence states “However, the protest committee is never a party.” The definition Party states in part “A party to a hearing is... (c) for a request for redress under rule 62.1(a): the body alleged to have made an improper action or omission.” Rule 62.1(a) states that “an improper action or omission of the race committee, protest committee, ...” may be the basis of a claim for redress. If it is a protest committee whose alleged error or omission is the reason for a request for redress, how can the protest committee be both a party and never a party?

Answer 5

The term “protest committee” in the last sentence of the definition Party means the protest committee holding the hearing. If Protest Committee A is the body alleged to have made an improper action or omission, and the hearing is held by a separate protest committee (B), then Protest Committee A will be represented in the redress hearing as a party, and Protest Committee B is the protest committee referred to in the last sentence of the definition.

Question 6

What is the significance, if any, of placing the definitions of some terms in Terminology in the Introduction to *The Racing Rules of Sailing* instead of in the Definitions?

Answer 6

The terms defined in the Definitions are terms that have a special definition for the sport that is necessary for understanding the rules in which those terms appear. Readers are informed that a defined term is being used in its defined sense by showing the term in italics. The terms defined in Terminology are frequently used terms with quite simple definitions. When used, they do not appear in italics. If they were to appear in italics, the readability of the rulebook would be diminished.

APPEAL QUESTION 113 113

Club 420 6525 Request for Redress

Rule 63.7, Conflict Between the Notice of Race and the Sailing Instructions

Rule 86.1(b), Changes to the Racing Rules

Either the notice of race or the sailing instructions may change a racing rule. If they conflict with each other, rule 63.7 applies. A protest committee's decision under rule 63.7 regarding which of two conflicting rules applies is not made in a hearing. The determining factor for applying rule 63.7 is the protest committee's belief about the fairest result. Its decision under rule 63.7 therefore cannot be the basis of a request for redress or a reopening.

Facts and Decision of the Protest Committee

In a Club 420 regatta there was a conflict between a rule in the notice of race and one in the sailing instructions. The notice of race stated that each boat's two worst race scores would be excluded from her series score if eleven or more races were completed; the sailing instructions stated that only one would be excluded. Twelve races were completed. Club 420 6525 based her tactics on her belief that one race score would be excluded. The race committee calculated the final series scores with each boat's two worst race scores excluded, which moved 6525 from first to second place in the series. She requested redress.

After consulting with the race committee, the protest committee believed that scoring the series with each boat's two worst scores excluded would provide the fairest result for all boats. It then denied 6525's request for redress, and she appealed.

Decision of the Appeals Committee

Either the notice of race or the sailing instructions may change a racing rule (see rule 86.1(b)). When a protest committee considers a protest or request for redress that involves a conflict between a rule in the notice of race and one in the sailing instructions, it must first decide which rule "it believes will provide the fairest result for all boats affected" (see rule 63.7). Therefore, the

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determining factor for applying rule 63.7 is the committee's belief about the fairest result. If the committee wishes to obtain information, opinions or advice from others it may do so.

To make that decision the committee is not required to hold a hearing (see rule 63.1). Therefore, none of the other rules of Part 5 of the racing rules governing hearings apply in making that decision. Furthermore, as the protest committee is deciding which of the conflicting rules it believes will provide the fairest result, as required by rule 63.7, that decision cannot be deemed an "improper action" for the purpose of requesting redress under rule 62.1(a) (Redress), or an "error" for the purpose of requesting a reopening under rule 66 (Reopening a Hearing).

Club 420 6525's appeal is therefore denied, and the decision of the protest committee is upheld.

January 2017

Rule 63.7, Conflict Between the Notice of Race and the Sailing Instructions

~~*A protest committee's decision under rule 63.7 regarding which of two conflicting rules applies is not made in a hearing; therefore it cannot be the basis of a request for redress or a reopening. The determining factor for applying rule 63.7 is the protest committee's belief about the fairest result.*~~

Facts and Decision of the Protest Committee

In a Club 420 regatta there was a conflict between a rule in the notice of race and one in the sailing instructions. The notice of race stated that each boat's two worst race scores would be excluded from her series score if eleven or more races were completed; the sailing instructions stated that only one would be excluded. Twelve races were completed. Club 420 6525 based her tactics on her belief that one race score would be excluded. The race committee calculated the final series scores with each boat's two worst race scores excluded, which moved 6525 from first to second place in the series. She requested redress.

After consulting with the race committee, the protest committee believed that scoring the series with each boat's two worst scores excluded would provide the fairest result for all boats. It then denied 6525's request for redress, and she appealed.

Decision of the Appeals Committee

When a protest committee considers a protest or request for redress that involves a conflict

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between a rule in the notice of race and one in the sailing instructions, it must first decide which rule “it believes will provide the fairest result for all boats affected” (see rule 63.7). To make that decision the committee is not required to hold a hearing (see rule 63.1). Therefore, none of the other rules of Part 5 of the racing rules governing hearings, including rule 62, Redress, apply in making that decision. If the committee wishes to obtain information, opinions or advice from others it may do so. Its decision cannot be the basis for a request for redress or a reopening, because the committee’s decision was not made in a hearing. The determining factor for applying rule 63.7 is the committee’s belief about the fairest result.

Club 420 6525’s appeal is therefore denied, and the decision of the protest committee is upheld.
September 2013

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APPEAL 114

Manx vs. Tiger Cat

Rule 70.1(a), Appeals and Requests to a National Authority

Rule R5.4, Inadequate Facts; Reopening

When the facts found by the protest committee provide enough detail for an appeals committee to understand the incident and apply the rules, they are not inadequate.

Facts and Decision of the Protest Committee

Two BCats, Tiger Cat and Manx were approaching the finishing line overlapped on port tack with Manx to windward. Neither boat was fetching the committee boat that was marking the starboard end of the finishing line. The two boats tacked simultaneously onto starboard tack within three lengths of the committee boat, at which time Tiger Cat was overlapped on the inside of Manx. Manx did not give Tiger Cat mark-room, and as a result Tiger Cat hit the committee boat.

Manx was disqualified for breaking rule 18.2(a) (Mark Room: Giving Mark-Room). Tiger Cat was exonerated for her breach of rule 31 (Touching a Mark) under rule 21(b) (Exoneration).

Manx appealed, saying that she disagreed with the facts found by the protest committee.

Decision of the Appeals Committee

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The basis of the appeal is that the appellant disagreed with the facts found by the protest committee. Rule 70.1(a) states: “a party may appeal a protest committee’s decision or its procedures, but not the facts found.” And rule R5.4 requires the appeals committee to “accept the protest committee’s finding of facts except when it decides that they are inadequate.” In this case, the facts found by the protest committee provided enough detail for an appeals committee to understand the incident and apply the rules, therefore they are not “inadequate” and are the “facts found” referred to in rule 70.1(a).

Manx’s appeal is denied, and the decision of the protest committee is upheld

January 2017

QUESTION 115

Interpretation Requested by the San Diego Yacht Club

Preamble to Part 2

Rule 36, Races Restarted or Resailed

Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty

Rule 60.3(a)(1), Right to Protest; Right to Request Redress or Rule 69 Action

Rule 61.1(a)(4), Protest Requirements: Informing the Protestee

Rule 63.5, Validity of the Protest or Request for Redress

Interpretation of the term “serious” in the phrase “serious damage”.

Question

Is there a special meaning in the racing rules of the term “serious” when it is used in the phrase “serious damage?”

Answer

No. The term “serious” is not defined in *The Racing Rules of Sailing (RRS)*. The Terminology section of the Introduction to the RRS states that “other words and terms are used in the sense ordinarily understood in nautical or general use.” One authoritative English dictionary suggests that, when “serious” is used in the phrase “serious damage,” the term means:

important because of possible danger or risk; having potentially undesired consequences; giving cause for concern; of significant degree or amount.

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This suggests that when a protest committee has concluded from the facts found that damage occurred in an incident, it must then consider whether any of the four criteria implied by the definition above apply, and if so it should conclude that the damage is “serious.”

Questions to consider may include:

- (1) Did the damage put the safety of the crew at risk?
- (2) Did the damage include a hole in the boat which compromised the integrity of the hull?
- (3) Did the damage adversely impact the boat’s sailing performance in a significant way?
- (4) Will the cost of repairing the damage be a significant amount relative to the market value of the boat?
- (5) Will the value of the boat after repairing the damage be significantly diminished?

January 2017

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