

QUESTION 118

Interpretation Requested by the Harvard Sailing Team

Rule 41, Outside Help

Rule 62.1(a), Redress

Discussion on whether it is an improper action for the race committee to hail boats before the starting signal.

Assumed Facts

A dinghy regatta with a fleet of 18 boats is being conducted using the Audible-Signal Racing System in Appendix U, which includes a requirement to hail OCS boats (rule U4). Neither the notice of race nor the sailing instructions contain any other rule related to hails made by the race committee to boats near the starting line during the countdown to the starting signal. The race committee (RC) line caller is equipped with a megaphone to communicate with the fleet.

During the last minute of the starting sequence for one of the races, the RC line caller notices that several boats are set up very close to the line and fears they will be OCS or even cause a general recall. The line caller makes a clearly audible statement towards the fleet that “some boats are getting very close to the line” or words to that affect. These boats realize they are close, dip a little farther from the line and the fleet starts with no boats OCS. The skipper of one boat requests redress because she feels that she knew where the line was, was set up with good timing for the start and felt that other boats which were set up poorly benefited by the RC’s actions when they might otherwise have been OCS.

Question 1

Is the race committee practice of verbally warning the fleet when boats seem to be getting too close to the line too early “improper,” as that term is used in rule 62.1(a)?

Answer 1

The term “improper,” as it is used in rule 62.1(a), is not a defined term in *The Racing Rules of Sailing* (RRS). The Introduction to the RRS states “Other words and terms are used in the sense ordinarily understood in nautical or general use.”

The *Oxford English Dictionary* contains these definitions of the term “improper” which, in our opinion, are appropriate for the term’s use in rule 62.1(a):

- 1) not in accordance with accepted standards
- 2) inappropriate, unacceptable, unsuitable, irregular
- 3) against the rules

One conclusion we can draw is that an action is “improper” if it is against the rules. Beyond that, our conclusion is that the term is not an absolute, objective term. Its application is based on the context of the situation in which it is being applied; i.e., it is subjective.

No rule in *The Racing Rules of Sailing* forbids the race committee from hailing boats before the starting signal. In fact, rule L11.5 (Sailing Instructions Guide) provides sailing instruction

language regarding the race committee hailing boats before the starting signal. In some situations this action will be considered acceptable and appropriate, and in some situations it will be considered not acceptable or appropriate; i.e., “improper.” One reason given for hailing is that the race committee’s job is to get the race started, and having general recalls, and especially multiple general recalls, is frustrating for all the sailors. For these reasons, the answer to Question 1 depends on the level of the event, the norm for races run by that race committee, the consistency with which it is applied, what the sailors want or expect, and what is stated in the sailing instructions or other rules governing the event.

We note that the hailing of boats by the race committee can provide “help” to those boats, but those boats do not break rule 41 because the help is in the form of information freely available to all boats and is unsolicited information from a disinterested source (see rules 41(c) and 41(d)).

Question 2

Should redress be granted and what form might the redress take?

Answer 2

Before deciding if any boat is entitled to redress, the protest committee must decide two things. The first is: did the race committee make an improper action? See Answer 1 for a discussion of “improper.” If the protest committee decides the RC action was improper, then the second is: was any boat’s score or place in a race or series made significantly worse, or possibly made worse, through no fault of her own, by the improper action of the race committee?

Whether or not a boat is entitled to redress depends on the claim she makes and the testimony she gives to support the “possibility” that her place in the race was made worse, through no fault of her own, by the RC improper hail. For instance, if all the boats were behind the starting line at the start and no boat’s ability to perform at her best was adversely affected directly as a result of the hail by the race committee, then any worsening of a boat’s score or place was in part the boat’s fault, and she would not be entitled to redress. However, if there was a reasonable possibility that a hailed boat would be OCS, but instead that boat started close to leeward of another boat and by her proximity slowed the other boat down, then the other boat may be entitled to redress.

Regarding what redress would be appropriate, without more facts and information it is not possible to state that in this answer. If it decides to give redress, the protest committee must comply with rule 64.2 (Decisions on Redress).

Question 3

During another starting sequence in the same regatta, the identical situation occurs but in this instance the RC line caller specifically identifies sail numbers of boats that are close to the line. Again, another skipper who feels the same as in the previous scenario requests redress. Should redress be granted and in what form?

Answer 3

See Answers 1 and 2.

Question 4

During another sequence two boats are close to the starting line at one minute before the start and no warnings are given. These two boats are hailed OCS after the starting signal and return to start. The skippers request redress claiming that they were not given the same warning as other boats during other sequences during the regatta. Should redress be awarded and in what form?

Answer 4

No. Hails by the race committee prior to the starting signal to boats that were behind, but nearly over, the starting line were not required by any rule. Therefore, their omission did not constitute an improper action or omission by the race committee. Furthermore, the boats contributed in some part to their being OCS and so they do not pass the “through no fault of their own” test in rule 62.1(a).

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