

RULE 62.1

A request for redress or a protest committee's decision to consider redress shall be based on a claim or possibility that a boat's score or place in a race or series has been or may be, through no fault of her own, made significantly worse by

- (a) an improper action or omission of the race committee, protest committee, organizing authority or technical committee for the event, but not by a protest committee decision when the boat was a *party* to the hearing;**
- (b) injury or physical damage because of the action of a boat that was breaking a rule of Part 2 and took an appropriate penalty or was penalized, or of a vessel not *racing* that was required to keep clear or is determined to be at fault under the *IRPCAS* or a government right-of-way rule;**
- (c) giving help (except to herself or her crew) in compliance with rule 1.1; or**
- (d) an action of another boat, or a crew member or *support person* of that boat, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.**

“Redress” is a form of compensation the protest committee can give boats when they have lost finishing places or time as a result of certain circumstances that were out of their control. Rule 62.1 lists the four specific circumstances under which a boat can request redress. If something else makes a boat's finishing score or place worse, it is tough luck. Three examples of “tough luck” are: (1) when a boat fouls you and the boats get locked together for a time but there is no physical damage or injury, (2) you get fouled and forced over the starting line as a result, and (3) when a boat fails to give you mark-room and you are forced to the wrong side of the mark in order not to hit them. These unfortunate situations always remind me of the old saying, “he was in the right as he sped along; but he's just as dead as though he were wrong.”

Note that in order to be entitled to redress, your score or place in the race or series has to have been, or will possibly be, made significantly worse. In other words, if the sailing instructions specify that marks will be yellow and the race committee uses orange marks instead, this is an “improper action;” but if you sailed the course with no confusion, your finishing score or place wasn't made worse by the “improper action” of the race committee; therefore, you are not entitled to redress.

Finally note that your finishing score or place has to be worsened by one of the four circumstances in rule 62.1 **and** “through no fault of your own.” For instance, if you know you are over the starting line early (OCS) but the race committee fails to signal your OCS properly, and you don’t come back and *start*, the race committee made an “improper action,” but you also contributed to your OCS score because you knew you had not *started* the race and chose to break rule 28.1 (Sailing the Race) (see Cases 31 and 71).

Another example is when the leeward *mark* is drifting downwind, but instead of rounding it and *finishing*, you drop out of the race and request redress. You caused your finishing score to be DNF, so you cannot get redress for the *mark* being out of position.



“OK, so what do I have to do to request redress?”

RULE 62.2

A request shall be in writing and identify the reason for making it. If the request is based on an incident in the racing area, it shall be delivered to the race office within the protest time limit or two hours after the incident, whichever is later. Other requests shall be delivered as soon as reasonably possible after learning of the reasons for making the request. The protest committee shall extend the time if there is good reason to do so. No red flag is required.

- (a) However, on the last scheduled day of racing a request for redress based on a protest committee decision shall be delivered no later than 30 minutes after the decision was posted.**

Rule 62.2 says that you have to make a **written** request for redress which clearly identifies the incident you think justifies you receiving redress. You can use the standard hearing request form available at most regattas, which has a box to check indicating you are requesting redress. Keep in mind, if your request is based on a claim that the race committee did something wrong, you are not “protesting” the race committee; you are simply requesting redress based on their action (see Case 44). You do not need to fly a red flag or do anything special on the water to request redress. If the incident happened in the racing area, you need to file your request within the protest time limit or two hours after the incident, whichever is later. For other requests, file them as soon as reasonably possible after learning of the reasons for making the request. (See Case 102 and Appeal 90.)

“Can you walk me through the four circumstances that might entitle me to redress?”



Sure.

- **RULE 62.1(a):** These are circumstances where a committee does something it is not supposed to do, or fails to do something it is supposed to do. Note that if the sailing instructions say the race committee “will” do something and it fails to, or does something else instead, that is an “improper action or omission” of the race committee. If the protest committee fails to follow the procedures for a hearing in Part 5, Section B of *The Racing Rules of Sailing*, that too is an “improper action.” And if the organizing authority for an event for instance supplies the boats, and one of them is defective, that is an “improper action” of the organizing authority. Note that if you are a *party* in a hearing and you do not agree with the protest committee decision (as opposed to its procedures), you cannot request redress. Your only two options are to request that the hearing be reopened (see rule 66, Reopening a Hearing), or appeal (see rule 70.1, Appeals and Requests to a National Authority, and Appendix R, Procedures for Appeals and Requests). (See also Cases 31 and 71.)
- **RULE 62.1(b):** This is the circumstance where your boat has been physically damaged or someone on your boat has been injured by a boat that was required to keep clear of you under Part 2 of the racing rules (When Boats Meet) or a non-racing boat required to keep clear under the government right-of-way rules for the area in which you are sailing.

Note that this does not apply in the circumstance where a keep-clear boat has made you lose time or places by forcing you off course or forcing you on the wrong side of a mark or even capsizing you. This applies only when something on the boat was physically broken (“damaged”) as a direct result of a rules breach by keep-clear boat, and that damage directly caused the boat to finish worse than she would have had there been no damage (see Case 110). Note, in order to be entitled to redress under rule 62.1(b), the other boat, if it were also racing, must have taken a penalty or have been penalized, which means you should always protest the boat that caused the physical damage or injury.

- **RULE 62.1(c):** This is the circumstance where you give help to someone in trouble. Remember, Rule 1.1 (Helping Those in Danger) says, “*A boat, competitor or support person shall give all possible help to any person or vessel in danger.*” When you lose finishing places or time as a result of giving help, you are entitled to compensation (“redress”) for that. (See the discussion of rule 1.1 and Case 20.)
- **RULE 62.1(d):** This is the circumstance where someone has done something bad enough to break rule 2 (Fair Sailing) or receive a warning or penalty under rule 69.2(h) (Misconduct; Action by a Protest Committee) and their action adversely affected you. An example is a boat cuts a *mark* and sits on your wind causing you to lose ten places. You would need to protest them for breaking rule 28.1 (Sailing the Race) and rule 2, claiming it was an intentional infringement. You could suggest that it also warranted a hearing under rule 69 (see rule 60.1(c)), but that would ultimately be up to the protest committee to decide. Assuming the boat was found to have broken rule 2, and/or received a warning or penalty under rule 69.2(h), and assuming the protest committee decided that the boat’s action directly caused your score to be significantly worse through no fault of your own, you are entitled to redress. (See Case 34.)