

RULE 64.3 — DECISIONS ON REDRESS

When the protest committee decides that a boat is entitled to redress rule 62, it shall make as fair an arrangement as possible for all boats affected, whether or not they asked for redress. This may be to adjust the scoring (see rule A9 for some examples) or finishing times of boats, to *abandon* the race, to let the results stand or to make some other arrangement. When in doubt about the facts or probable results of any arrangement for the race or series, especially before *abandoning* the race, the protest committee shall take evidence from appropriate sources.



Case 31 says, “When it is decided that a boat is entitled to redress, rule 64.3 requires the protest committee to ‘make as fair an arrangement as possible for all boats affected.’ This might be to adjust a boat’s finishing time, add some number of places to her actual or average finishing place, reinstate her in her finishing place, or to make some other adjustment that conforms to rule 64.3. Clearly, rule 64.3 gives a protest committee tremendous discretion to do what-ever it thinks is fairest for all the boats that will be affected by the arrangement the protest committee decides to make, whether or not they asked for redress. The last sentence of rule 64.3 reminds protest committees to take appropriate evidence before making its decision when it has some questions as to the facts or probable results of any arrangement for the race or series. (See Cases 31 and 71.) Rule A9 (Guidance on Redress) gives protest committees some suggestions.

RULE A9 — GUIDANCE ON REDRESS

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

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



“If a boat is requesting redress, am I entitled to be in that hearing and give evidence?”

If the US Sailing prescriptions to rules 60 (Right to Protest; Right to Request Redress or Rule 69 Action) and rule 63.2 (Time and Place of the Hearing; Time for Parties to Prepare) are in effect (and they are in effect in the U.S. unless the notice of race or sailing instructions specifically say they are not; see rule 88.2, National Prescriptions), then you are allowed to participate in the hearing and the protest committee is required to request redress for you, making you a *party*.

The prescription to rule 63.2 says, “*US Sailing prescribes that when redress has been requested or is to be considered for one or more boats:*

- (a) *Any other boat may participate in the hearing.*
- (b) *The protest committee shall make a reasonable attempt to notify all boats of the time and place of the hearing and the reason for the request or for considering redress, and boats shall be allowed reasonable time to prepare for the hearing.*
- (c) *The protest committee shall request redress for boats*
 - (1) *that participate in the hearing, or*
 - (2) *that request in writing to do so before the hearing begins, making them parties to the hearing. It need not state a reason for such a request; this changes rule 62.2.”*

And the prescription to rule 60.3 says, “*US Sailing prescribes that rule 60.3(b) is changed to: (b) request redress for a boat or call a hearing to consider redress.”*

So when the prescriptions are in effect and the protest committee receives a request for redress, the norm is for it to post a copy of the request on the official notice board with the time and place of the hearing, leaving a reasonable amount of time for sailors to prepare for the hearing or to make a written request to participate if they are unable to be there in person but wish to become a *party* to the hearing. All sailors who participate in the hearing, or make a written request to do so before the hearing begins, must be made *parties* to the hearing by the protest committee, with the full right to give evidence, ask questions, call witnesses and appeal.