

opportunity, which means the first reasonable opportunity after Y first became aware that X was breaking a class rule.

May 2020

Revised January 2021, to conform to the changes in rule 61.1(a)

Revised January 2022. The revisions in Answer 2 to paragraph 1 are due to the change to rule 61.1(a) in the 2021–2024 RRS which deleted the phrase “was involved in or saw.” The revisions to paragraph 2 acknowledge that a boat may not be able to physically see the breach of the rule (for instance the extra sails are down below), but she is aware of the breach. The final paragraph is deleted due to the deletion of the phrase “was involved in or saw.”

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## APPEAL 126

*Sky Blue vs. Red*

### Definitions, Rule

#### Rule 89.2, Notice of Race; Appointment of Race Officials

#### Rule J1, Notice of Race Contents

*If the notice of race does not state that the rules as defined by The Racing Rules of Sailing apply, a boat is not permitted to appeal a decision of the protest committee.*

### Facts

A local sailing club organizes a race. The club publishes a notice of race, but the notice of race makes no mention of *The Racing Rules of Sailing*. The club also publishes a handbook which says the races will be sailed under *The Racing Rules of Sailing*. After the racing there is a protest hearing. One of the sailors in the hearing appeals the decision of the protest committee.

### Decision

Rule 89.2(a) states: “The organizing authority shall publish a notice of race that conforms to rule J1.” Rule J1.2 states: “The notice of race shall include the following: (2) that the event will be governed by the rules as defined in *The Racing Rules of Sailing*.” The notice of race did not include that. Therefore, *The Racing Rules of Sailing*, which contains the appeals system, did not apply to the race.

The definition Rule includes “(g) any other documents that govern the event.” Case 98 says “Other documents governing the event... apply only if they are listed in the notice of race (see rule J1.1(3)).” The “handbook” for the racing was not made a “document governing the event” by the notice of race or the sailing instructions. Therefore, the handbook is not a rule for this race.

The appeal cannot be considered, as the appeals system in *The Racing Rules of Sailing* did not apply.

January 2023