

# Sail Canada Prescriptions 2013–2016

Effective 1 January 2013

**Sail Canada prescribes:**

## **Rule 46 – Person in Charge**

*Sail Canada prescribes that the designated person in charge, if resident in Canada, shall be a member of a club affiliated with Sail Canada.*

## **Rule 61.2 – Protest Contents**

*Sail Canada prescribes that no fee shall be charged for delivering a protest or a request for redress.*

## **Rule 64.3 – Decisions on Protests Concerning Class Rules (insert directly under the title to the rule)**

*Sail Canada prescribes that unless otherwise provided in its class rules, the ISAF Equipment Rules of Sailing shall apply to all classes racing in Canada.*

## **Rule 67 – Damages**

*Sail Canada prescribes that a boat that has been found by a protest committee to have broken a rule and caused damage shall be considered at fault for the purposes of rule 67.*

## **Rule 70.5(a) – Appeals and Requests to a National Authority**

*Sail Canada so prescribes.*

## **Rule 88.2 National Prescriptions**

*Sail Canada prescribes that the sailing instructions of national or lesser events shall not change or delete any Sail Canada prescription. For events that have a no appeal protest committee or an international jury, prescriptions to rule 61.2 and 67 shall not be deleted.*

## **Appendix E8 – Appendix G Changes to Identification on Sails (insert directly under title to the rule)**

*Sail Canada prescribes that this rule applies to Canadian boats in all classes.*

## **Appendix R – Procedures for Appeals and Requests (insert after the preamble)**

*Sail Canada prescribes that it may delegate an appeal or request for confirmation or correction to an association appeals committee, such as a provincial association appeals committee or a racing association appeals committee. Decisions of an association appeals committee may be further appealed to Sail Canada.*

### **Appendix R2.1(a) – Submission of Documents**

*Sail Canada prescribes that no later than 15 days after receiving the association appeals committee's written decision, the appellant may send a further appeal and a copy of the association appeals committee's decision to Sail Canada. The appeal shall state why the appellant believes the association appeals committee's decision or its procedures were incorrect.*

### **Appendix R2.2 – Submission of Documents**

*Sail Canada prescribes that in the case of a further appeal to Sail Canada, this rule shall apply to the appellant as though it was an initial appeal, and to the appealed committee as though it was the protest committee.*

### **Appendix R3 – Responsibilities of National Authority and Protest Committee**

*Sail Canada prescribes that when an appeal is delegated to an association appeals committee, the responsibilities and actions required of the national authority in this rule, and in rules R4, R5, 71.2 and 71.3, shall be performed by the association appeals committee.*

*When a decision of an association appeals committee is further appealed, Sail Canada shall send to the parties, protest committee and association appeals committee copies of the appeal. No member of the association appeals committee shall take any part in the discussion or decision on the appeal.*

#### **Appendix R4 – Comments and Clarifications**

*Sail Canada prescribes that when a decision of an association appeals committee is further appealed, the parties, protest committee and association appeals committee may make comments on the appeal. Comments on the appeal shall be made no later than 15 days after receiving it from Sail Canada. Sail Canada shall send copies of the comments to the parties, protest committee and association appeals committee as appropriate.*

# Sail Canada

## Recommendations when arbitration is offered

When arbitration is offered, the notice of race shall contain a statement to that effect in accordance with Appendix J1.

The sailing instructions shall also conform to Appendix J2. Please see the suggested wording for the sailing instructions below.

## Sail Canada

### Recommended sailing instructions for arbitration

#### ADDENDUM C to the Racing Rules of Sailing, 2013–2016

#### ARBITRATION

*The following sailing instructions are recommended when arbitration will be offered. These can be changed to suit the circumstances.*

*An arbitrator should be familiar with the ISAF International Judges Manual's section on Arbitration, which at the time of publication, could be found at Sail Canada's web site: [www.sailing.ca](http://www.sailing.ca).*

#### **Add to sailing instruction 14 – Penalty System:**

- 14.5** Rule 44.1 is changed to permit a boat that has broken a rule of Part 2 or rule 31 to take a penalty after racing but prior to any protest hearing. Her penalty shall be a scoring penalty as calculated in rule 44.3(c) equal to 40% of the number of entries in her class or 50% of the difference between her finishing position and the number of entries in her class, whichever is less. However, if she caused injury or serious damage or gained a significant advantage in the race or series by her breach, her penalty shall be to retire.

#### **Insert as a separate sailing instruction after sailing instruction 16 – Protests and Requests for Redress:**

#### **17 ARBITRATION**

- 17.1** For a protest between two boats alleging a breach of a rule of Part 2 or rule 31, an arbitration meeting may be held prior to any protest hearing.
- 17.2** One representative from each boat will meet with the arbitrator. No witnesses will be permitted.
- 17.3** The arbitrator will advise on whether:
- One or both boats should take a penalty;
  - The protest should be withdrawn; or
  - The protest should go to the protest committee for a hearing.
- 17.4** When a boat accepts a penalty or the arbitrator advises that the protest should be withdrawn, the arbitrator will allow the protest to be withdrawn. This changes rule 63.1.
- 17.5** When a protest is withdrawn, it will not be reopened or made the subject of a request for redress.
- 17.6** The penalty is to be calculated according to sailing instruction 14.5.