

Rules of Part 5

Protests, Redress, Hearings, Misconduct and Appeals

New Part 5 Preamble

Discusses the two new forms:

- Hearing Request Form
- Hearing Decision Form

These replace the old protest form and are available to download and print from the World Sailing website... Someday...

Right to Protest; Right to Request Redress or Rule 69 Action

Now boats, race committees and technical committees may make a report to the protest committee requesting action under rule 69 (misconduct) or a hearing to consider if a *support person* has broken a *rule*.

Protest Requirements – Informing the Protestee

“~~A~~ The protesting boat ~~intending to protest~~ shall inform the other boat at the first reasonable opportunity. ...”

Protest Requirements – Informing the Protestee

“When her *protest* will concern an incident in the racing area ~~that she was involved in or saw,~~ she shall hail...”

Protest Requirements – Informing the Protestee

“if at the **time of the incident** it is obvious to the protesting boat that a member of either crew is in danger, or that injury or serious damage resulted, the requirements...”

Protest Requirements – Informing the Protestee

A race, technical or protest committee protesting a boat may post a notice on the official notice board to satisfy the requirement for informing the protestee.

Protest Time Limit

No change to the time limit for *protests* involving an incident observed in the racing area. Previously, other *protests* by a committee could be delivered no later than two hours after the committee received the relevant information. Now **ANY** “other” *protest* may be delivered within that time limit, including a *protest* by a boat.

Redress

Part (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 *IRCPAS* or a government right-of-way rule

Redress

Part (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.~~2(h)~~.

Redress

New part (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.

Hearings: Requirement for a Hearing

A boat or competitor shall not be penalized without a protest hearing, except...

New rule 64.6 added to the list of exceptions... more later...

Hearings: Time and Place of the Hearing; Time for Parties to Prepare

All *parties* to the hearing shall be notified of the time and place of the hearing, the *protest* or redress information or the allegations shall be made available to them, and they shall be allowed reasonable time to prepare for the hearing. ...

Hearings: Time and Place of the Hearing; Time for Parties to Prepare

When two or more hearings arise from the same incident, or from very closely connected incidents, they may be heard together in one hearing. However, a hearing conducted under rule 69 shall not be combined with any other type of hearing.

Hearings: Taking Evidence and Finding Facts

From part (a):

The protest committee shall take the evidence, including hearsay evidence, of the parties present... However, the committee may exclude evidence which it considers to be irrelevant or unduly repetitive.

Hearings: Taking Evidence and Finding Facts

Parts (b) and (c) are unchanged, requiring a member of the protest committee who saw the incident to give evidence in the presence of the *parties* and allowing a *party* present to question any person giving evidence.

Hearings: Taking Evidence and Finding Facts

Part (d):

The committee shall then give the weight it considers appropriate to the evidence presented, find the facts and base its decision on them.

Hearings: Hearings under Rule 60.3(d) – Support Persons

Outlines the procedures to follow when dealing with *support person* hearings.

Decisions: Standard of Proof, Majority Decisions and Reclassifying Requests

Part (a):

A protest committee shall make its decision based on a balance of probabilities, unless provided for otherwise in the rule alleged to have been broken.

Decisions: Standard of Proof, Majority Decisions and Reclassifying Requests

Part (b):

Decisions of the protest committee shall be by simple majority vote of all members. When there is equal division of votes cast, the chairman may cast an additional vote.

Decisions: Standard of Proof, Majority Decisions and Reclassifying Requests

Part (c):

The protest committee shall proceed with each case, as a *protest*, request for redress or other type of request, based on the information in the written request or allegation and testimony during the hearing. This permits the type of case to be changed if appropriate.

Rule 64

Decisions

Beware!

The remaining parts of rule 64
have been renumbered to
accommodate the new
rule 64.1.



Now just Penalties

All three of the previous “exoneration” rules have been moved into one new rule, rule 43. Old rule 62.1(a) was deleted and moved there.

We’ll cover the new rule in the next segment.

Discretionary Penalties

When a boat reports within the protest time limit that she has broken a *rule* subject to a discretionary penalty, the protest committee shall decide the appropriate penalty after taking evidence from the boat and any witnesses it decides are appropriate.

Informing the Parties and Others

Unless there is good reason not to do so, after any hearing, including a hearing under rule 69, the protest committee may publish the information set out in rule 65.1. The protest committee may direct that the information is to be confidential to the *parties*.

Reopening a Hearing

Rule 66 has been rewritten into three parts, with two notable additions.

Now a party must make a request to reopen **in writing**.

Rule 66

Reopening a Hearing

We shall consider all requests to reopen.

Reopening a Hearing

When a request is being considered or the hearing is reopened, if it is based on new evidence, a majority of the protest committee shall, if practicable, be members from the original committee.

Reopening a Hearing

When a request is being considered or the hearing is reopened, if it is based on a significant error, the protest committee shall, if practicable, have at least one new member.

Rule 69

Misconduct

For the first time in
living memory there are
no significant changes
to rule 69!



Misconduct

But seriously, if you find yourself involved in a disciplinary matter, you are encouraged to seek help. The Sail Canada Rule 69 Advisory Panel exists to provide support to protest committees.

RULE 69 ADVISORY PANEL

The Rule 69 Advisory Panel exists to provide support to protest committees who seek expert advice in misconduct hearings held under Rule 69 of the Racing Rules of Sailing. The Rule 69 Advisory Panel is, in effect, a pool of advisors. Members of the Rule 69 Advisory Panel are Listed below.

Clubs or protest committees may request support from a member of the Rule 69 Advisory Panel through the Sail Canada office (official@sailing.ca), or by direct approach to a Rule 69 Advisory Panel member.

Rule 69 Advisory panel members:

- Mike Turner, IJ,
- Leo Reise, IJ,
- Kathy Dyer, IJ,
- Robert Stewart, IJ,
- Lynne Beal, IJ,
- Pat Healy, IJ,
- David Pelling, IJ,

Exoneration

New Rule 43

Exoneration

Rules 14(b), 21 and 64.1(a) have been deleted and replaced by rule 43.1.

This rule is included now in rule 86.1(a) and may not be changed by prescriptions, NoR or SIs.

Exoneration

Part (a):

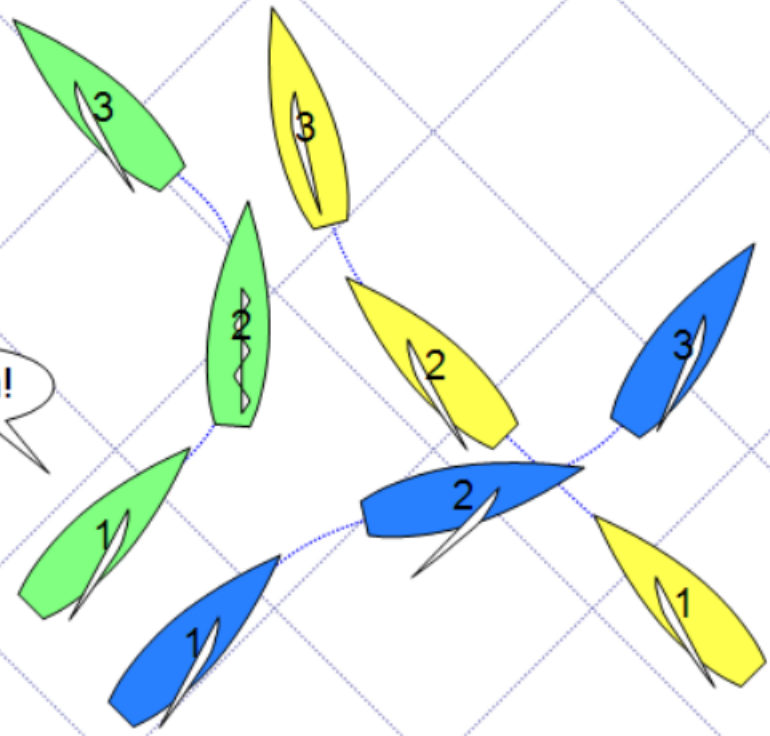
When as a consequence of breaking a *rule* a boat has compelled another boat to break a *rule*, the other boat ~~shall be~~ is exonerated for her breach.

Exoneration

Part (b):

When a boat is sailing within the *room* or *mark-room* to which she is entitled and, **as a consequence of** an incident with a boat required to give her that *room* or *mark-room*, she breaks a rule of Section A of Part 2, rule 15, 16, or 31, she **is** exonerated for her breach.

Room!



Exoneration

Part (c):

A right-of-way boat, or one sailing within the *room* or *mark-room* to which she is entitled, **is** exonerated for breaking rule 14 if the contact does not cause damage or injury.

Exoneration

A boat exonerated for breaking a *rule* need not take a penalty and shall not be penalized for breaking that *rule*.

Sportsmanship and the Rules

Competitors in the sport of sailing are governed by a body of *rules* that they are expected to follow and enforce. A fundamental principle of sportsmanship is that when a boat breaks ~~competitors break a rule~~ and is not exonerated ~~she they~~ will promptly take an appropriate penalty or action, which may be to retire.

Definitions

Sail the Course A boat *sails the course* provided that a string representing her track from the time she begins to approach the starting line from its pre-start side to *start* until she *finishes*, when drawn taut,

- (a) passes each *mark* of the course for the race on the required side and in the correct order,
- (b) touches each *mark* designated in the sailing instructions to be a rounding *mark*, and
- (c) passes between the *marks* of a gate from the direction of the course from the previous *mark*.

Sail the Course

The really big change is in rules A5.1 and A5.2 which now directs the race committee to score a boat that did not *sail the course* in the same way as a boat that did not *start* or did not *finish*, i.e. without a hearing.

Start and Finish

The words “hull, crew or equipment” in these definitions are deleted and replaced with just “hull.”

The same change has been made in rules 29.1, 30.1, 30.2, 30.3 and 30.4 which means it is only the hull that counts when making an OCS, UFD or BFD call.

Start

A boat *starts* when, **her hull** having been entirely on the pre-start side of the starting line at or after her starting signal, and having complied with rule 30.1 if it applies, any part of her hull, ~~crew or equipment~~ crosses the starting line ~~in the direction of the first *mark*~~ from the pre-start side to the course side.

Finish

A boat *finishes* when, **after starting**, any part of her hull, ~~crew or equipment in normal position,~~ crosses the finishing line from the course side...

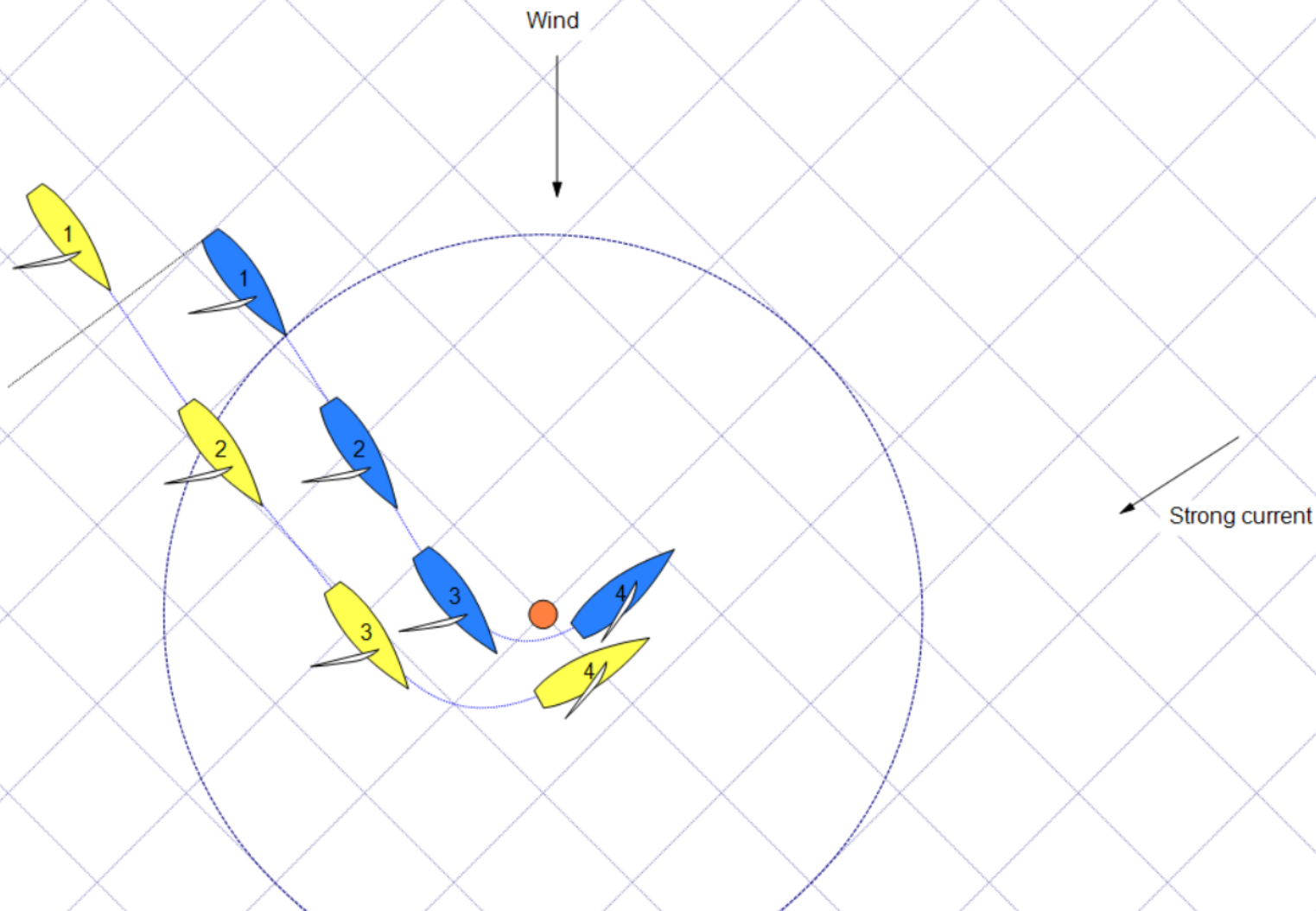
Mark

An object the sailing instructions require a boat to leave on a specified side, ~~and~~ a race committee vessel surrounded by navigable water from which the starting or finishing line extends, **and an object intentionally attached to the object or vessel.** However, an anchor line ~~or an object attached accidentally to a *mark*~~ is not part of ~~it~~ the *mark*.

Mark-Room

Part (b) now reads:

*room to round or pass the mark as necessary
to sail the course without touching the mark*



Mark-Room

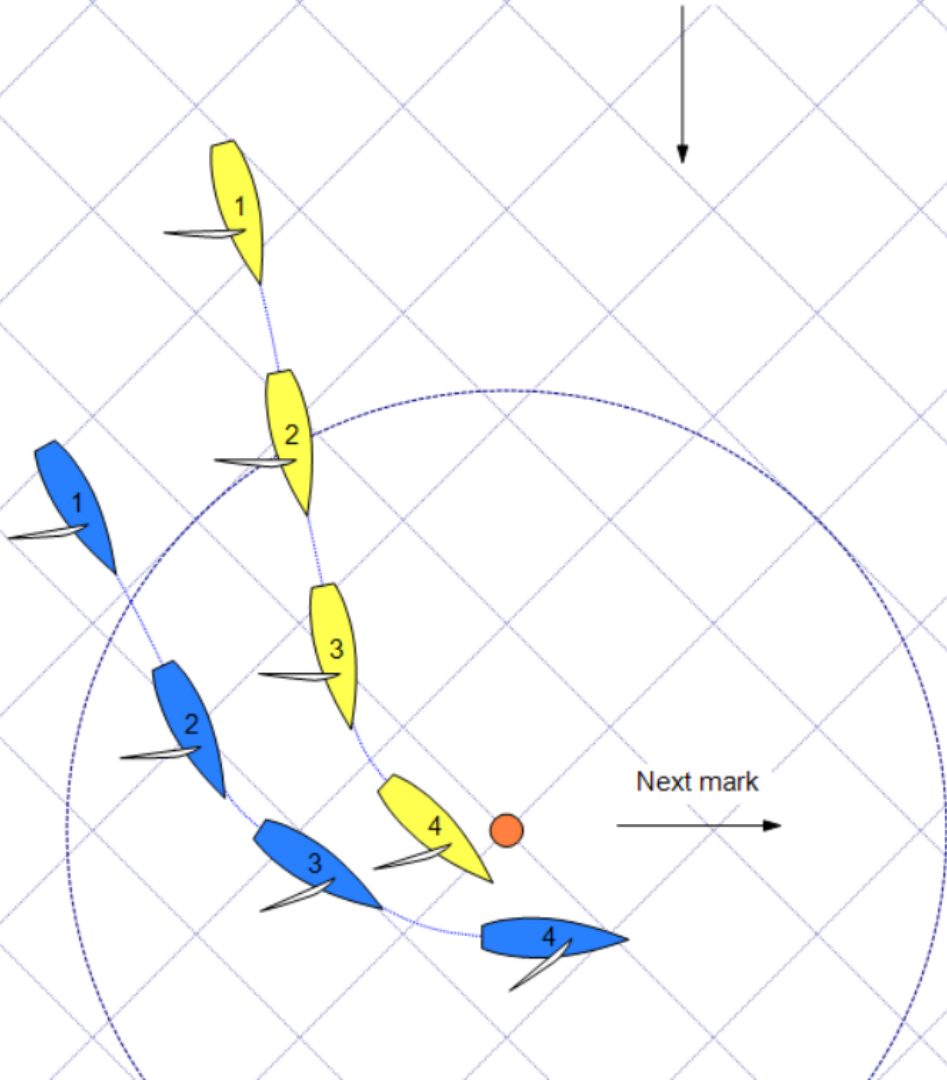
New sentence at the end of rule 18.1:

Rule 18 no longer applies between boats when *mark-room* has been given.

Mark-Room

Rule 18.2(d) now reads:

Rules 18.2(b) and (c) cease to apply ~~when a~~ **if** the boat entitled to *mark-room* ~~has been given that *mark room*, or if she~~ passes head to wind or leaves the *zone*.



Obstruction

The second sentence now reads:

An object that can be safely passed on only one side and an **object**, area **or line** so designated by the sailing instructions are also *obstructions*.

Party

The change in wording in parts (b) and (c) from “request for redress” to “redress hearing” is necessary to cover when the hearing is initiated under rule 60.3(b)...

Proper Course

A course a boat would **choose in order to** ~~sail to~~ *sail the course and finish* as soon as possible in the absence of the other boats referred to in the rule using the term. A boat has no *proper course* before her starting signal.

Definitions

Rule

Part (b) is just a housekeeping change...
it generalizes the regulations instead
of listing them and makes it consistent
with new rule 6.1.

Notice of Race and Sailing Instructions

Appendices J, K and L

Notice of Race and Sailing Instructions

Appendices K and L, the guides for writing the NoR and SIs, are no longer reproduced in the rule book.

Notice of Race and Sailing Instructions

The guides can be downloaded from the World Sailing web site in Word and PDF formats and are quite easy to use.

Notice of Race and Sailing Instructions

Bottom line:

Do not rely on old NoRs and SIs...
start from scratch to avoid errors!

Notice of Race and Sailing Instructions

In the preambles to both:

The notation “NP” in a rule of the NoR/SIs means that a boat may not protest another boat for breaking that rule. This changes RRS 60.1(a).

Notice of Race and Sailing Instructions

The score for not finishing within the finishing window is changed to TLE from DNF.

Notice of Race and Sailing Instructions

The previous section “Protests and Requests for Redress” is now “Hearing Requests” and is a bit shorter due to rules 61.1(b) and 62.2(a) and the new “NP” designation.

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RISK STATEMENT

30.1

RRS 3 states: ‘The responsibility for a boat’s decision to participate in a race or to continue to race is hers alone.’ By participating in this event each competitor agrees and acknowledges that sailing is a potentially dangerous activity with inherent risks. These risks include strong winds and rough seas, sudden changes in weather, failure of equipment, boat handling errors, poor seamanship by other boats, loss of balance on an unstable platform and fatigue resulting in increased risk of injury. **Inherent in the sport of sailing is the risk of permanent, catastrophic injury or death by drowning, trauma, hypothermia or other causes.** *Each venue jurisdiction may need a different or modified version of this risk statement.*

Race Signals

Preamble

The preamble now allows for a visual signal to be displayed over a **fleet flag, event flag or race area flag** in addition to a class flag.

Three new signals

Orange Flag designates one end of the starting line, while **Blue Flag** designates one end of the finishing line.

Flag V is used in accordance with new rule 37, Search and Rescue Instructions.

Other notable changes



Rule 2

Fair Sailing

The penalty option of DSQ or DNE has been reversed and now a boat that breaks rule 2 gets a DNE.

Yay!

Changing Course

In addition, **on a beat to windward** when ~~after the starting signal~~ a *port-tack* boat is *keeping clear* by sailing to pass **to leeward** ~~astern~~ of a *starboard-tack* boat, the *starboard-tack* boat shall not **bear away** ~~change course~~ if as a result the *port-tack* boat must ~~would immediately need~~ ~~to change course~~ **immediately** to continue *keeping clear*.

Other Requirements When Racing

These rules are now written in two sections. Section A contains the General Requirements and Section B contains the Equipment-Related Requirements.

Beware!

This change has resulted in many rules being renumbered.

Personal Flotation Devices

Rule 40.1 outlines the requirements.

Rule 40.2 details how and when it is implemented:
Flag Y displayed afloat before or with the warning means while *racing* in that race.

Flag Y ashore means at all times while afloat that day.

Rule 40 may also be made applicable in the NoR or SIs.

Limitations of Equipment and Crew

No person on board shall intentionally leave, except when ill or injured, or to help a person or vessel in danger, or to swim. A person leaving the boat by accident or to swim shall be back in contact with the boat before the crew resumes sailing the boat to the next *mark* ~~on board before the boat continues in the race.~~

Scoring

Part (a) has been updated to reflect the new *Sail the Course* definition.

There are also two new parts...

Scoring

Part (d):

The race committee shall implement scoring changes directed by the protest committee or national authority as a result of decisions made in accordance with the *rules*.

Scoring

- (e) When so stated in the notice of race, notwithstanding the provisions of rules 90.3(a), (b), (c) and (d), there shall be no changes to race or series scores resulting from action, including the correction of errors, initiated more than 24 hours after
- (1) the protest time limit for the last race of the series (including a single-race series);
 - (2) being informed of a protest committee decision after the last race of the series (including a single-race series); or
 - (3) the results are published.

However, in exception, changes to scores shall be made resulting from a decision under rules 6, 69 or 70. The notice of race may change '24 hours' to a different time.

Trash Disposal

Rule 47 is one of the renumbered rules.

Support persons can break this rule now.

It is now included in rule 86.1(a) and may not be changed by prescriptions, NoR or SIs.

Procedures for Appeals and Requests

The Sail Canada prescription to Appendix R has been rewritten for ease of use.

It now includes an email address where appeals and requests are to be sent.

appeals@sailing.ca

Procedures for Appeals and Requests

Sail Canada prescribes that it may delegate the responsibilities and actions of the national authority in rules 71.2, 71.3, R3, R4 and R5 to a provincial appeals committee.

No change, just gathered into one paragraph.

Procedures for Appeals and Requests

Decisions of a provincial appeals committee may be further appealed to Sail Canada. If a decision is further appealed, the time limit in each of rules R2.1 and R4.4 is changed to seven days and the words “protest committee” are changed to “provincial appeals committee” wherever they are found. In rule R4.4 the protest committee may also comment on the further appeal and receive copies.

Direct Judging

This appendix still exists but will not appear in the printed Sail Canada rule book. It is available to download from the SC web site.

It should be noted that App U is a series of sailing instructions that must be included in the SIs of the event.

Sound Signal Starting System

This is a new appendix that also will not appear in the printed Sail Canada rule book. It is available to download from the web site.

It applies only if the SIs so state and the appendix must be included as an attachment.

Appendix V

SOUND SIGNALLING STARTING SYSTEM

The intended use of the Sound Signalling Starting System is for starting small-boat races (including but not limited to team racing) or when race committee resources are limited. Rules in this appendix replace Racing Rule of Sailing (RRS) 26 and permit changes to Race Signals and the corresponding rules in Part 3.

This appendix applies only if the sailing instructions so state and this appendix is attached to them.

- V1 All of RRS 30 is deleted.
- V2 Races will be started by using the following signals. Times will be taken from the commencement of the sound signals. Other than a class flag or two teams' colours if applicable, no visual starting signals will be made. This changes Race Signals – Preparatory Signals and RRS 26.

<i>Time Before Starting Signal</i>	<i>Sound Signal</i>	<i>Means</i>
Before the warning	Series of short sounds	Attention
3 minutes	3 long	Warning signal
2 minutes	2 long	Preparatory signal
1 minute 30 seconds	1 long, 3 short	
1 minute	1 long	
30 seconds	3 short	
20 seconds	2 short	
10 seconds	1 short	
5 - 4 - 3 - 2 - 1 seconds	5 short, 1 second apart	
0	1 long	Starting signal

- V3 Individual recalls shall be signalled by clearly hailing the sail number (or other distinguishing feature) of each recalled boat. Flag X need not be displayed. This changes RRS 29.1.
- V4 Failure to hear any hail or sound signal shall not be grounds for redress. This changes RRS 62.1(a).

Resources

- *The Racing Rules of Sailing 2021–2024*
Study Version
- *The Racing Rules Explained* by Trevor Lewis
- New Racing Rules of Sailing – Live Talk,
with John Doerr, Ana Sanchez, Nelson Ilha
and Ricardo Lobato on YouTube
- World Sailing Cases
- World Sailing Q+As
- Sail Canada Appeals
- Sail Canada web site