

Racing Rules of Sailing

New Case - Basic Principle, Sportsmanship and the Rules

A submission from the Canadian Yachting Association

Purpose or Objective

To provide a Case clarifying when a boat is participating in a race

Proposal

CASE XXX

Basic Principle, Sportsmanship and the Rules

Rule 3, Acceptance of the Rules

Rule 4, Decision to Race

Part 2, Preamble

Rule 69, Allegations of Gross Misconduct

Rule 75, Entering a Race

A boat that meets the requirements for entry in a race, and sails in or near the racing area, and participates in a race is racing from her preparatory signal until she finishes or retires from the race. The Racing Rules of Sailing apply to such boats. She does not have the option to claim that the Racing Rules do not apply to her.

The boat's sole responsibility to decide to participate in a race does not include the right to choose whether or not to be governed by the rules once she participates in the race.

By participating in a race, competitors are governed by the Racing Rules of Sailing, including action by a protest committee under Rule 69.

A boat that breaks the rules over a protracted period commits a gross breach of the rules and shows bad manners and bad sportsmanship.

Summary of the Facts:

During three sailing seasons at her yacht club's weekly races, boat A entered the series, started and sailed in the races for a fleet of which she was not a member, rather than starting with her own fleet five minutes later. In the third season, two protests were filed against A under the Racing Rules of Sailing, Part 2. The protest committee found in both cases that A had been *racing*, and disqualified her for breaking rules of Part 2. Later that year, there was a further written complaint against A's skipper alleging abusive behaviour during other races in which she sailed in the wrong fleet. The protest committee conducted a hearing under Rule 69 against A's skipper, alleging that by his actions constituted a gross breach of the rules, good manners, and sportsmanship. It found that the competitor had committed a gross breach of the rules, and had also shown bad manners and bad sportsmanship, all over a protracted period. It upheld the allegations under rule 69. It imposed penalties to the competitor and to the boat, disqualifying the boat from the races in question and excluding the competitor from all competition for which the yacht club is the Organising Authority, for a period of two years.

The competitor appealed using Rule 70.1 of the Racing Rules of Sailing. The competitor argued that A was observing the government right-of-way rules, as was his right. He further argued that he had informed the club that he was no longer racing at the club, and therefore, he had no undertaking to observe the Racing

Rules of Sailing. Specifically, he was not obligated under, rule 3(a) to be governed by the rules or by 3(b) to accept the penalties imposed and any other action taken under the *rules*. He further objected to the jurisdiction of the protest committee that convened the Rule 69 hearing. He argued that they had ignored rule 4, which made the responsibility for a boat's decision to participate in a race or to continue racing hers alone. He appealed the findings of the Rule 69 hearing as outside of the Protest Committee's jurisdiction, asking the Appeals Committee to find the decision to be null and void and *ultra vires*.

Decision

A's actions directly contradict the assertion that she was not racing under the Racing Rules of Sailing. The boat took the decision under rule 4 to participate in the race, as evidenced by her own actions. Evidence of her participation under rule 3 is that she sailed in or near the racing area, she started races, often finished races, and claimed her rights under the racing rules when she met other boats competing in the races. A was *racing* from her preparatory signal until she finished or retired from each race. Her actions demonstrated that she was not a cruising yacht or a spectator boat who sailed into the racing area.

There is no contradiction between rule 4 which gives the responsibility for a boat's decision to participate in a race to the boat alone, and rule 3. The decision is observed through the boat's actions. Participation in a race is evident by the boat's actions, such as by starting races, sailing the course, rounding the marks, or finishing. Boats racing under the rules are entitled to proceed under the assumption that other boats that are participating in the race are also observing the Racing Rules of Sailing. The responsibility allotted in rule 4 is not a choice whether or not to observe the Racing Rules of Sailing.

The Racing Rules of Sailing did apply to Boat A.

Since the skipper of A had participated in the race under rule 3, he was a competitor in the sport of sailing. He was, therefore, governed by a body of rules that he was expected to follow and enforce under the Basic Principle, sportsmanship and the rules and Rule 69. The protest committee did have the authority to convene the hearing under rule 69. The competitor's actions described in the written complaint did constitute a gross breach of good manners and sportsmanship. The competitor was properly found to be in breach of Rule 69. The competitor was subject to penalty under rule 69. Rule 3(b) did, therefore obligate the competitor to accept the penalties imposed and other action taken under the rules, subject to the appeal process which he used

The appeal is dismissed. The protest committee did have the authority under the Racing Rules of Sailing to convene this hearing and to impose an appropriate penalty on the competitor. The decision of the protest committee and the penalties imposed are upheld.

Current Position

None.

Reason

This Case provides a clear interpretation that a boat that participates in a race has agreed to be governed by the *rules*. The case clarifies that there is no contradiction between rules 4 and 3: A boat has made her sole decision to participate in a race once she does participate in the race. With that participation, she has agreed to be governed by the rules and accept any penalties imposed under the rules. A boat that participates in the race may not claim that she has decided not to participate, and that she is not governed by the rules. The case also confirms that the protest committee's jurisdiction includes persons who participate in races but claim that they are

not competitors under Sportsmanship and the Rules. They are subject to protest, to action under rule 69, and to any penalties imposed under the rules.