

## **The Case Book**

### **New Case**

A submission from the Royal Yachting Association

#### **Proposal:**

**Rule 28.1, Sailing the Course**

**Rule 61.1(a), Protest Requirements: Informing the Protestee**  
**Definitions, Finish**

*When a boat sails the wrong course, another boat may decide to protest her when the course error is made, or when she finishes or at any time in-between. She must then be informed of the intention to protest at the first reasonable opportunity.*

#### **Summary**

Boat A leaves the first mark of the course on the wrong side. She then sails the remainder of the course correctly and crosses the finishing line from the direction of the last mark. Another boat B sees A leave the first mark on the wrong side and decides to protest her.

#### **Question 1**

When does A break rule 28.1?

#### **Answer 1**

A makes an error when she leaves the first mark on the wrong side. However, rule 28.1 allows her to correct any errors in sailing the course at any time until she finishes but not thereafter. A does not break rule 28.1 until she finishes.

#### **Question 2**

Does A finish when she crosses the finishing line?

#### **Answer 2**

Yes. A finishes when she crosses the finishing line in accordance with the definition Finish; this has no reference to the string requirement in rule 28.1.

#### **Question 3**

When must B inform A of her intention to protest?

#### **Answer 3**

Rule 61.1(a) requires a boat intending to protest to inform the other boat at the first reasonable opportunity. Normally this is done by hailing 'Protest' and, when required, displaying a red flag.

In this situation, A potentially breaks a rule as soon as she leaves the mark on the wrong side but her breach does not become complete until she finishes. B may decide to protest when A leaves the mark on the wrong side, or when A finishes or at any time in-between; B must then comply promptly with rule 61.1(a).

Current Position:

None.

Reason:

The proposal clarifies when a boat must inform another boat of her intention to protest for not sailing the course in accordance with the string requirement of rule 28.1. It allows notification when the boat finishes and the rule is broken, as is always allowed when any other rule is broken, and at any earlier time after the course error is made. In most instances, the protestor will decide to protest when or soon after the course error is made and therefore the intention to protest must be notified at that time.

If accepted, this submission will replace submission 257-07 which was approved by Council in November 2007 but has not yet been published.

References:

- (1) In November 2006, RRC minuted an interpretation as follows:  
"A boat that leaves a mark on the wrong side does not break rule 28.1 until she finishes."
- (2) ISAF Q&A 05-001, still on the ISAF web site, states that a boat finishes after correcting a course error she made at the finishing line, but there is no provision for correcting an earlier error.
- (3) In February 2008 RRC rejected the proposal by the Case Book Working Party that an intention to protest can only be notified when the boat finishes and rule 28.1 is broken.

This proposal relates only to communicating an intention to protest in accordance with rule 61.1. Rules 61.2 and 61.3 apply to the preparation and delivery of a protest (as defined) when ashore after the race.