

The Case Book

Amendments and Additions to Case 78

A submission from the Chairman of the Racing Rules Committee

Proposal:

Amend and add to Case 78 so that it reads as follows:

CASE 78

Rule 2, Fair Sailing

Rule 23.2, Interfering with Another Boat

Rule A2, Series Scores

When a boat is protested for positioning herself in a tactically controlling position over another boat and then slowing that boat's progress so that other boats pass both of them, she must, to avoid being penalized for breaking rule 2, satisfy the protest committee that her controlling tactic had a reasonable chance of benefiting her series result. However, if she intentionally breaks a rule to increase the likelihood of the tactic succeeding, she also breaks rule 2.

Summary of the Facts for Questions 1 and 2

Boat A was well ahead of B. Both of them were on final leg of the course in the final race of a one-design class series. Suddenly, A changed course so that she sailed back down the course towards B and positioned herself in a tactically controlling position over B. A then slowed B's progress, resulting in three boats passing them. While controlling B and slowing her progress, A did not break any rule, except possibly rule 23.2 or rule 2. A had calculated her own and B's series scores, and had determined that if B were to be passed by three boats A would defeat B in the series.

Question 1

Did the tactic used by A, turning back and slowing another boat's progress, break either rule 23.2 or rule 2? Is this tactic acceptable at any time during any race of a series?

Answer 1

Because the boats were on the same leg, A's tactic did not break rule 23.2. A's tactic was in compliance with recognized principles of sportsmanship and fair play because the tactic was intended to, and did, benefit her own series result. A boat may use such a tactic at any time during any race of a series without breaking rule 2, provided that she can satisfy the protest committee that the tactic had a reasonable chance of benefiting her series result. A boat will be unlikely to satisfy this criterion, except in the final race or races of a series when the scoring system permits one or more race scores to be excluded when series scores are calculated. If she fails to satisfy the criterion, she breaks rule 2.

Notwithstanding the argument in the paragraph above, if a boat intentionally breaks a rule to increase the likelihood of the tactic succeeding, she also breaks rule 2.

There are several formats for 'series'. Most are simply a single set of, say, seven races, and the winner is the boat with the lowest series score (see rule A2). Others, such as one-design class championships with large fleets, involve a qualifying series, followed by a final series. For the purposes of this case, a 'series' is the set of races, including the race in which the questionable tactic was used, governed by a particular notice of race.

Question 2

Would the answer to Question 1 have been different if A had been unsuccessful in her tactic – i.e., if three boats had not passed B?

Answer 2

No. A boat may use the tactic that A used even if she uses it unsuccessfully, provided the protest committee is satisfied that the tactic had a reasonable chance of benefiting her series result.

Summary of the Facts for Question 3

Boat A was ahead of B. Both boats were on the same leg. A positioned herself in a tactically controlling position over B and then slowed B's progress, resulting in several boats passing them. One of the boats that passed both A and B was C. While controlling B and slowing her progress, A did not break any rule, except possibly rule 2. B protested A for breaking rule 2 alleging that A's tactic was undertaken to benefit C, whose crew were friends of A's crew.

Question 3

What criteria should the protest committee use to decide whether or not A broke rule 2?

Answer 3

Except when sailing under Appendix D (Team Racing), it is not sportsmanlike for a boat to use the tactics that A used unless there is good reason to believe that such tactics benefited or could have benefited her own series results. A should be asked how the tactics did or could have benefited her series results. If the committee is not satisfied that the tactics did benefit A's series result or had a reasonable chance of doing so, then it should penalize her for breaking rule 2 and consider calling a hearing under rule 69.1(a).

Summary of the Facts for Question 4

Repeatedly during either a race or series, boat A positioned herself in a tactically controlling position over B and then slowed B's progress, resulting in several boats passing them. Each time A did this the boats were on the same leg. While controlling B and slowing her progress, A did not break any rule, except possibly rule 2. It appeared to B that A's slowing of B did not benefit A's series result and was done merely to harass B. B protested A for breaking rule 2 alleging that A's tactic was undertaken to harass B and not to benefit A's series score.

Question 4

What criteria should the protest committee use to decide whether or not A broke rule 2?

Answer 4

It is not sportsmanlike for a boat to use the tactics that A used unless there is good reason to believe that such tactics benefited or could have benefited her series results. A should be asked how the tactics did or could have benefited her series results. If the committee is not satisfied that the tactics did benefit A's series result or had a reasonable chance of doing so, then it should penalize her for breaking rule 2 and consider calling a hearing under rule 69.1(a).

Current Position:

See Case 78 in *The Case Book for 2005-2008*.

Reason:

In 2005, Submission 154-05 was submitted proposing a substantial revision in Case 78. The Racing Rules Committee recommended to Council that the submission be deferred and that the Case Book Working Party resubmit it with revised wording, including an added statement to the effect that the protest committee must be satisfied that the tactics of a boat had a reasonable chance of benefiting her series score. Council accepted the committee's recommendation. This submission is made in response to that recommendation. The case has been expanded to cover some of the issues covered in ISAF Q&A 07-008.