

Racing Rules of Sailing

Rules 78.2, A5 and J2.2(19) and Appendices L and LE

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To make it clear that a boat that does not prove that she has a valid measurement certificate has broken rule 78.2. Also, to simplify the process for penalizing such a boat.

Proposal

1. Amend rule 78.2 as follows:

78.2 When a *rule* requires a valid certificate to be produced or its existence verified before a boat *races*, and this cannot be done, the boat may *race* provided that the race committee receives a statement signed by the person in charge that the boat has a valid certificate. **The boat shall produce the certificate or arrange for its existence to be verified by the race committee before the scheduled time of the warning signal for the first race on the last day of the event. The race committee shall extend the time if there is good reason to do so. The penalty for breaking this rule is disqualification without a hearing** ~~If the certificate is not produced or verified before the end of the event, the boat shall be disqualified from all races of the event.~~

2. Amend rule A5 as follows:

A5 SCORES DETERMINED BY THE RACE COMMITTEE

A boat that did not *start*, **or finish or** comply with rule 30.2, ~~or 30.3~~ **or 78.2**, ~~or finish~~, or that **retires or** takes a penalty under rule 44.3(a) ~~or retires~~, shall be scored accordingly by the race committee without a hearing. Only the protest committee may take other scoring actions that worsen a boat's score.

3. Add to rule J2.2 (and renumber current rules J2.2(19) – (40) accordingly):

(19) any change in the time limit in rule 78.2 for a boat to produce a valid certificate, or arrange for its existence to be verified;

4. Add the following new instruction to Appendix L and, with an appropriate instruction number, to Appendix LE:

Insert the time.

15.3

The time limit in rule 78.2 for a boat to produce a valid certificate, or arrange for its existence to be verified, is _____. This changes rule 78.2.

Current Position

As above. However, rule J2.2(19) and instruction 15.3 are new.

Reasons

1. Most racing rules that apply to a boat state that the boat 'shall' or 'shall not' do something. The intention of rule 78.2 is that, when a boat has given a signed statement to the race committee stating that she has a valid certificate, she shall produce the certificate or arrange for its existence to be verified before the end of the event. However, the rule does not explicitly state that she 'shall' do so. The proposal corrects this deficiency.
 2. Under current rule rules 60, 78.2 and A5, a boat that fails to produce her certificate or arrange for its existence to be verified before the end of the event cannot be penalized without a protest and a hearing. However, neither the race committee nor the protest committee are required to protest her, and it is unlikely that other boats in the race will know that she has broken rule 78.2. Therefore, there is no guarantee that the boat will be penalized. Under the proposal the race committee is required to penalize the boat for this breach and may do so without a hearing.
 3. Penalizing such a boat without a protest or a hearing seems appropriate because, by failing to produce her certificate or arrange for its existence to be verified, she breaks rule 78.2 and she will be aware that she has done so. Therefore, a hearing would serve no purpose.
 4. The proposal changes the time limit in the rule from 'the end of the event' to 'the scheduled time of the warning signal for the first race on the last day of the event'. This removes an ambiguity as to when an event ends, and it allows time for a boat penalized for breaking rule 78.2 to request redress if she believes she did, indeed, comply with rule 78.2 within the time limit.
 5. The proposed time limit will not be appropriate for all events. For example, in an event in which boats compete in an elimination series followed by a final series, a more appropriate time limit may be the scheduled time of the warning signal for the first race on the last day of the elimination series. Also, when all the races in an event are scheduled for one day, a more appropriate time limit may be the end of protest time on that day. Rule 86.1 permits the sailing instructions to change rule 78.2, and the proposed additions to rule J2.2 and Appendix L will point out to the race committee that, when writing the sailing instructions, it should consider whether or not a change in the rule 78.2 time limit is appropriate.
 6. In addition, the proposal gives the race committee the right to extend the time limit if there is good reason to do so. This enables the race committee to deal in a fair way with unusual circumstances. For example, it is conceivable that the person responsible for issuing a boat's certificate was in hospital and unable to deliver certificates in the weeks before and during the event.
 7. The list in rule A5's first sentence has been reordered to make the sentence easier to read.
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