

Racing Rules of Sailing

New Case

A submission from US Sailing

Purpose

To submit US Sailing Appeal 65 for consideration for publishing in the World Sailing Case Book

Proposal

Case XXX

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

The test of whether two occurrences were one or two incidents is whether the second occurrence was the inevitable result of the first. A boat intending to protest another boat for two incidents during a race, no matter how close in time, must inform the protested boat that two protests will be lodged.

Summary of the Facts

Flying Scot 80, on starboard tack, and *Flying Scot 112*, on port tack, were beating to windward. As they converged, *Flying Scot 80* bore away below *Flying Scot 112* to avoid a collision. While *Flying Scot 80* was still bearing away, *Flying Scot 112* tacked. A collision occurred while *Flying Scot 112* was tacking. There was no damage or injury. At the time *Flying Scot 112* tacked, *Flying Scot 80* was to leeward of *Flying Scot 112*.

Flying Scot 80 hailed “Protest” immediately after the collision. *Flying Scot 112* then took a Two-Turns Penalty. The protest committee concluded that *Flying Scot 112* had broken rule 10 (On Opposite Tacks) in one incident, and rules 13 (While Tacking) and 14 (Avoiding Contact) in another. The protest committee disqualified *Flying Scot 112* because she had taken only one Two-Turns Penalty. *Flying Scot 112* appealed.

Decision

The test of whether two occurrences were one or two incidents is whether the second occurrence was the inevitable result of the first. Times, distances, the actions of each boat and the prevailing conditions are all relevant to this test; the number of rules that may have been broken is not. *Flying Scot 112*’s tack to starboard and the resulting contact were not the inevitable result of her breaking rule 10, because she could have continued on port tack. Therefore, the appeals committee concludes that the boats were involved in two separate incidents.

Rule 61.1(a) refers to “an incident.” A boat intending to protest another boat for two incidents during a race, no matter how close in time, must inform the protested boat that she intends to protest twice. Because *Flying Scot 112* hailed “Protest” without indicating that two protests would be made, there was only one valid protest.

After the incidents, *Flying Scot 112* took one Two-Turns Penalty. Since there is nothing in the facts found to suggest otherwise, the appeals committee assumes that *Flying Scot 112* exonerated herself from the breach in the incident that was the subject of the valid protest. *Flying Scot 112*'s appeal is upheld. The decision of the protest committee is reversed, and *Flying Scot 112* is reinstated in her finishing place.

USSA 1994

Current Position

As above.

Reasons

1. This appeal discusses when two occurrences or multiple rule breaches are one incident or two separate incidents.
 2. No current case discusses this issue.
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