

Racing Rules of Sailing

New Case

A submission from the Chairman of Race Officials Committee

Purpose or Objective

Recently there has been a controversy in some Olympic class events about request for redress cases under RRS 62.1(b) where the request is based on injury or physical damage caused by the action of a boat that was breaking a rule of Part 2. Some judges think that there is a need of a protest and others state that knowing during the redress hearing that a boat has infringed a rule of Part 2 is enough. The purpose of this case is to clarify the issue.

Proposal

Please note that below there are two opposite options provided for the answer to the question. Only one of these answers should be approved.

CASE XXX

Rule 62.1(b), Redress

When a boat is requesting redress because of injury or physical damage caused by the action of a boat that was breaking a rule of Part 2, she [must also / needs not] protest the boat that caused the damage or injury.

Facts:

Boat X requests redress under RRS 62.1(b) claiming that her score in a race has been, through no fault of her own, made significantly worse by injury or physical damage caused by the action of boat Y that was breaking a rule of Part 2

Question:

Does boat X need to protest boat Y to support her request for redress?

Answer (option 1):

Yes. In order to grant redress, a protest committee has to establish whether the requirements of RRS 62.1(b) are met. To do so, there must be a hearing where the protest committee shall take the evidence of the parties present and of their witnesses, and other evidence it considers necessary, then find the facts and base its decision on them. Once that decision is made, the protest committee will decide if boat X is entitled to redress.

Answer (option 2):

No. Boat X when requesting redress only needs to provide evidence that another boat was breaking a rule of Part 2. This evidence may be an acknowledgement of infringement from boat Y, e.g. by

bringing boat Y to the redress hearing as witness or by having boat Y acknowledging the infringement by other means, such as signing an acknowledgment of infringement form.

Current Position

The case is new.

Reasons

Reasons for answer Option 1:

- If there is no hearing to deal with the protest, there is only one party to the hearing (boat X) and therefore, she is the only one that can bring any the evidence she thinks is appropriate. Since boat Y can only give evidence as witness, she thereby loses all the rights that a party to a hearing has, including to bring witnesses and ask questions to the other party as well as the right of appeal, if it has not been denied. Furthermore, once she learns that she has broken a rule of Part 2, she is obliged to take a penalty (Sportsmanship and the rules)
- The principle applied in this option is already implemented for boards in Appendix B, rule B5.62, as it requires that the boat that caused injury or physical damage “took the appropriate penalty or was penalized” in order to give redress. Therefore, this option will increase consistency.

Reasons for answer Option 2:

- Any redress hearing must start by establishing whether the criteria for giving redress are met. If, during such a hearing, a boat acknowledges that she has broken a rule of Part 2, that is enough to support this requirement of rule 62.1(b). This acknowledgment may, for instance, be boat Y coming to the redress hearing as a witness and stating that she has infringed a rule of Part 2.
 - There is an unsatisfactory aspect of this option: A boat that has broken a rule of Part 2 might come to the hearing as witness to support the request for redress, and then the protest committee finds out that she has not taken an appropriate penalty. In that case, RRS 60.3(a) does not permit the protest committee to protest the boat as a result of information arising from a request for redress. This seems against the basic Sportsmanship principle embodied within the sport and RRS.
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