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**The**  
**CASE BOOK**  
**for 2017 – 2020**

**Supplement 2018**

**World Sailing**

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## Summary of Changes and Additions

Case 78 has been amended so that a boat may use tactics that interfere with or hinder another boat only if there is a reasonable chance of her tactics benefiting her final ranking in the event. Marginal markings indicate those paragraphs in which wording has changed.

Three new cases, Cases 141, 142 and 143, have been added to *The Case Book* this year. Each of them is based on action taken at the World Sailing Annual Conference in November 2017.

*Note: One more new case, Case 144, is still under consideration. It was approved in November 2017 subject to editing and then a vote by the World Sailing Racing Rules Committee (RRC) to approve the edited case. If editing of this case is completed and the case is approved by the RRC, a revised version of this supplement, including that case, will be issued.*

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## CASE 78

### **Rule 2, Fair Sailing**

### **Rule 41, Outside Help**

### **Rule 69.1(a), Misconduct: Obligation not to Commit Misconduct; Resolution**

*In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting her final ranking in the event. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.*

### **Facts for Question 1**

In a fleet race for one-design boats, boat A uses tactics that clearly interfere with and hinder boat B's progress in the race. While using those tactics, A does not break any rule, except possibly rule 2 or rule 69.1(a). B protests A under rule 2.

## Question 1

In which of the following circumstances would A's tactics be considered unsportsmanlike and a breach of rule 2 or of rule 69.1(a)?

- (a) The protest committee finds that there was a reasonable chance that A's tactics would benefit her final ranking in the event.
- (b) The protest committee finds that there was a reasonable chance that A's tactics would increase her chances of gaining selection for another event, but would not benefit her final ranking in the event.
- (c) The protest committee finds that there was a reasonable chance that A's tactics would increase her chances of gaining selection to her national team, but would not benefit her final ranking in the event.
- (d) The protest committee finds that A and a third boat, boat C, had agreed that they would both adopt tactics that benefited C and that there was a reasonable chance that A's tactics would benefit C's final ranking in the event.
- (e) The protest committee finds that A was attempting to worsen B's race or series score for reasons unconnected with sport.

## Answer 1

In circumstance (a), A would be in compliance with recognized principles of sportsmanship and fair play.

In circumstances (b) and (c), A would break rule 2, and possibly rule 69.1(a).

In circumstance (d), both A and C would break rule 2, and possibly rule 69.1(a). In addition, by receiving help prohibited by rule 41 from A, C would also break rule 41.

In circumstance (e), A would break rule 2, and possibly rule 69.1(a) because, with no good sporting reason, her actions would clearly break recognized principles of sportsmanship and fair play.

## Question 2

Would Answer 1 be different if the boats had been racing under a handicap or rating system and if A had been faster or more manoeuvrable than B?

## Answer 2

No.

### **Question 3**

Would Answer 1 be different if, while using tactics that clearly interfered with and hindered B's progress in the race, A had intentionally broken a rule?

### **Answer 3**

Yes. Whenever a boat intentionally breaks a rule, she also breaks rule 2, and possibly rule 69.1(a).

USA 1991/282, revised by World Sailing 2009, 2013 and 2018

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## **CASE 141**

### **Preamble to Part 2**

### **Rule 36, Races Restarted or Resailed**

### **Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty**

### **Rule 60.3(a)(1), Right to Protest; Right to Request Redress or Rule 69 Action**

### **Rule 61.1(a)(4), Protest Requirements: Informing the Protestee**

### **Rule 63.5, Validity of the Protest or Request for Redress**

*Interpretation of the term 'serious' in the phrase 'serious damage'.*

### **Question**

Is there a special meaning in the racing rules of the term 'serious' when it is used in the phrase 'serious damage'?

### **Answer**

No. The term 'serious' is not defined in *The Racing Rules of Sailing* (RRS). The Terminology section of the Introduction states that 'other words and terms are used in the sense ordinarily understood in nautical or general use.' As understood in general use, when 'serious' is used in the phrase 'serious damage', the term means: important because of possible danger or risk; having potentially undesired consequences; giving cause for concern; or of significant degree or amount.

This suggests that when a protest committee has concluded from the facts found that damage occurred in an incident, it must then consider whether any of the four criteria implied by the definition above apply, and if so it should conclude that the damage is 'serious'.

Questions to consider may include:

- (1) Did the damage reduce the safety of the crew?
- (2) Did the damage adversely impact the boat's sailing performance in a significant way?
- (3) Will the cost of repairing the damage be a significant amount relative to the market value of the boat?
- (4) Will the value of the boat after repairing the damage be significantly diminished?

USA 2018/115

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## CASE 142

### Rule 62.1(b), Redress

*When a boat requests redress because of injury or physical damage caused by the action of a boat that was breaking a rule of Part 2, she need not protest the boat that caused the damage or injury, but her request will not succeed unless evidence given during the redress hearing leads the protest committee to conclude that the other boat broke a rule of Part 2.*

### Facts

Boat X requests redress under rule 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 X need to protest Y to support her request for redress?

### Answer

While a protest is the best way to establish that a boat broke a rule of Part 2, X is not required to protest Y. However, if X does protest Y after the incident that led to injury or physical damage and if the protest committee finds that Y did break a rule of Part 2, then clearly X can point to the outcome of her protest to establish that Y broke a rule of Part 2.

The Basic Principle, Sportsmanship and the Rules, states that all competitors, including X's crew, are expected to enforce the rules, but

there is no racing rule that requires X to protest Y in order to be eligible for redress under rule 62.1(b).

If X does not protest Y, her request for redress can succeed if evidence given during the redress hearing leads the protest committee to conclude that Y broke a rule of Part 2. Here are examples of evidence that would lead a protest committee to that conclusion:

- A member of Y's crew is called as a witness, and the protest committee concludes from evidence given by the witness that Y took a penalty in acknowledgement of breaking a rule of Part 2 in the incident with X.
- A race official states that a representative of Y signed an acknowledgement of infringement or reported to a race official that Y took the appropriate penalty or retired from the race because she broke a rule of Part 2 in the incident with X.
- Any other evidence that leads the protest committee to conclude that Y broke a rule of Part 2 in the incident with X.

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## CASE 143

**Rule 70, Appeals and Requests to a National Authority**

**Rule 75, Entering a Race**

**Rule 89.1, Organizing Authority; Notice of Race; Appointment of Race Officials: Organizing Authority**

*When the organizing authority for a race is not an organization specified in rule 89.1, a party to a hearing does not have access to the appeal process.*

### Facts

The organizing authority for a race was a club that was not a member of, and had no connection or association with, the national authority of the venue. The notice of race and the sailing instructions stated that the race would be governed by the rules as defined in *The Racing Rules of Sailing*. Boat A protested boat B under a rule of Part 2. Later, under rule 70.1(a), A sent an appeal of the protest committee's decision to the national authority of the venue.

## **Decision**

Rule 89.1 specifies the types of organizations that are authorized to be the organizing authority for races governed by *The Racing Rules of Sailing*. The organizing authority for the race was a club, but that club was not affiliated to the national authority of the venue. Therefore, the club was not a valid organizing authority under rule 89.1(c), nor was it a valid organizing authority under any other part of rule 89.

Rule 70.3 required that A's appeal be sent to 'the national authority with which the organizing authority is associated under rule 89.1.' No national authority existed that complied with this requirement of rule 70.3, and therefore decisions made by the protest committee for the race were not eligible under rule 70 to be appealed to the national authority of the venue, or, indeed, to any national authority.

For these reasons, the national authority for the venue declined to consider A's appeal.

## **Additional Comments**

The following comments discuss issues that, while not directly related to the Decision in this case, are related to the issues raised in the case.

Rule 75.1 requires a person who enters a boat in a race to be either a member of a World Sailing member national authority or of a club or other organization affiliated to such a national authority. Also, if a boat is entered by a club or organization, that club or organization is required to be affiliated to such a national authority.

Rule 75.2 requires competitors to comply with World Sailing Regulation 19, Eligibility Code. Regulation 19.20(d) states that an event that does not comply with rule 89.1 is a 'Prohibited Event'. When A entered the race organized by the unaffiliated club, she, perhaps unwittingly, participated in a Prohibited Event, as defined in Regulation 19.20. Competing in such an event could have serious consequences for a competitor's eligibility to compete in other events (see Regulation 19.19(a)(ii)).

If sailors planning to compete in an event run by a club or organization discover that the club or organization is not affiliated with the national authority of the country in which it is located, they should urge the club or organization to join or otherwise affiliate itself with the national authority before the event, or at least to seek out an affiliated organization to serve as the organizing authority for the event.