

ISAF Racing Rules Question and Answer Service



Q&A 2009-023

Published: 10 March 2009

Question:

At a hearing of an invalid protest, a competitor realizes that he has broken a rule. Is the competitor required by rule 2 to retire (retired after finishing)?

If the competitor doesn't (at his own initiative) retire: is the reluctance to retire a new breach (of rule 2), in a new incident, that can be protested by the protest committee?

Is it recommended that the protest committee protests the competitor (under rule 2) for not retiring?

Can the protestor (of the original invalid protest) protest the protestee for not retiring?

For example:

At a coastal race for X99 class boats (length: 10 meter / 33 feet), boat A and B were at the last mark at the same time. Boat A rounded the lighthouse, while boat B rounded the spar buoy 50 meters (150 feet) further away.

Boat B never hailed "protest", never showed a red flag, and did not inform A in any way that he intended to protest.

B lodged a written protest.

A learnt from the hearing schedule notice on the notice board that he was being protested. During the hearing the protest committee found that the protest by B was invalid. During the hearing A realized that he had misunderstood the course description in the sailing instructions, and that A had indeed sailed the wrong course.

Is A required to retire?

Will it be a breach of rule 2 not to retire?

If so, can this breach of rule 2 be protested by the protest committee?

Is it recommended that the protest committee protests A for breaking rule 2?

Answer:

Two fundamental precepts of sailing are sportsmanship and self-enforcement of the rules. Competitors rely upon each other to follow and enforce the rules, and to promptly take a penalty, which may be to retire when a competitor knows he/she has broken a rule.

When a protest is found to be invalid under rule 63.5, that closes the hearing and the incident unless the finding of invalidity is appealed or the protest committee decides to reopen the hearing under rule 66. No other actions can be taken by the protest committee or any party. Reluctance to retire shall be seen as the same incident, and cannot be protested separately and subsequently by a party, since it presupposes a conclusion that can only follow from the facts found in a valid protest concerning the

incident. The protest committee cannot lodge its own protest under rule 2 against the competitor, since it learned of the incident in an invalid protest

Rule 60.3(a) allows a protest committee to protest for what it learns from a report from the representative of the boat, but not for what it learns from an invalid protest.

If the protest committee believe a competitor may have deliberately broken a rule, or has chosen not to retire or take a penalty despite knowing that he/she has broken a rule, the protest committee should speak with the competitor.

If after that discussion the competitor declines to take a penalty despite knowing that he/she has broken a rule, the protest committee should consider acting under rule 69.

If, on the other hand, the protest committee believes the competitor may have deliberately broken a rule, the protest committee should act under rule 69.