

ISAF Case Book

New Case

A submission from the International Danish Sailing Association

Proposal:

Add new case (based on previously deleted Case 56)

Basic Principle of Sportsmanship**Rule 2, Fair Sailing****Rule 31, Touching a mark****Rule 44, Penalties for Breaking Rules of Part 2****Rule 64.1(b), Penalties and Exoneration**

When a boat touches a mark she knows she has broken Rule 31.1 and must either make a One Turn Penalty or, if she believes she was compelled to break the rule as a consequence of another boat breaking a rule, she must protest that boat. She can then be exonerated under Rule 64.1(b) either by the other boat accepting a Two-Turn Penalty under Rule 44 or by the other boat being disqualified after a hearing. Continuing racing after breaking a rule without taking steps to be exonerated infringes Rule 2, Fair Sailing. Relying on another boat to protest is not sufficient since that protest may never be lodged or be found invalid.

Summary of the Facts

During a mark rounding A, an inside boat, collided with B on her outside and at the same time touched the mark. B hailed and displayed her protest flag. A did neither, nor did she take any penalty as described in rule 31.2 or 44.2. B never filed a valid protest. The touch of the mark was observed by a member of the Race Committee who protested A. A was disqualified under Rule 2 for not taking a penalty or taking steps to be exonerated when she could have no doubts that she had broken Rule 31.1.

A, appealed, maintaining that it was not necessary for her to protest because the other boat did so, thus she could expect the incident to be brought before the protest committee.

The protest committee stated that when a boat knows she has touched a mark she can have no doubts that she has broken a rule and must act accordingly under Rule 2 and the Basic Principle of Sportsmanship. Even if she thinks that she was compelled to break the rule as a consequence of another boat breaking a rule, relying on the other boat to protest is not sufficient since that protest may not be lodged in time or be found invalid.

Decision

Appeal dismissed for the reasons given by the protest committee; the protest committee decision is upheld.

Current Position:

After the removal of the old rule 31.3 (before the 2000-2005 RRS), Case 56 which referred to that rule was deleted.

Reason:

Rule 31.3 was deleted because it was found unnecessary and the deletion was not supposed to 'change the game'. However without Case 56 protest committees have no guidance on how to solve this issue and when confronting IJ's with the problem about 50% will disqualify the inside boat and 50% will not. This is obviously inconsistent and there is a need to state clearly that Rule 2 and the Principle of Fair Sailing and Sportsmanship must be applied to this type of situation.

Note: The rules are not very clear that you can be exonerated for being compelled to break a rule (like 31.1) not only by the Protest Committee under rule 64 but also when the boat that compelled you to break a rule accepts a penalty under Rule 44 or retires. Do we need a change to that effect either in 44 or 64?