

Racing Rules of Sailing

New Case

A submission from US Sailing

Purpose or Objective

To provide an interpretation of the phrase “first reasonable opportunity” in rule 61.1(a), Informing the Protestee, regarding the timeliness of displaying a protest flag in various scenarios.

Proposal

Case XXX

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

Interpretation of the phrase “first reasonable opportunity” in rule 61.1(a)

Facts for Question 1

Boats S and P, two 23 foot (7m) keelboats, were approaching each other on opposite tacks. S bore away to avoid contact with P. S immediately hailed “Protest” and the crew promptly acted to retrieve the protest flag and display it. The flag was displayed approximately 10 seconds after the incident.

Question 1

Did S display her protest flag at the first reasonable opportunity in compliance with rule 61.1(a)?

Answer 1

Yes. Rule 61.1(a) uses the phrase “first reasonable opportunity.” The word “immediate” does not occur in that rule. Whereas it may be reasonable for a boat to hail “Protest” immediately after an incident, it is just as reasonable for it to take a little time for a crew to retrieve and then display a protest flag. Furthermore, while it is possible to store a flag such that it could be displayed immediately, rule 61.1(a) does not require it. On the other hand, it is also possible to store a flag in such a way that the delay required in retrieving it would not be reasonable. A protest flag flown approximately 10 seconds after an incident when a member of the crew is able to retrieve and display the flag in that time and acts to do so is consistent with displaying the flag at the “first reasonable opportunity.”

Facts for Question 2

Boats S and P, two 23 foot (7m) scows, approached each other on opposite tacks at the windward mark. P tacked within the zone onto starboard tack. S had to sail above close-hauled to avoid P. S hailed “Protest” immediately after the incident. The next leg was a short “offset” leg, set at approximately 110 degrees to the windward leg. Wind speed was 15–20 knots. On the offset leg S needed all crew members hiking to windward to prevent the boat from capsizing. She then bore away around the offset mark, set her spinnaker and promptly displayed her protest flag. The flag was displayed within 15–20 seconds after the incident.

Question 2

Did S display her protest flag at the first reasonable opportunity in compliance with rule 61.1(a)?

Answer 2

Yes. The flag was displayed soon after the spinnaker was set. A boat is not obligated to give priority to displaying a protest flag at the cost of the crew failing to act to keep the boat under control or delaying a spinnaker set.

Facts for Question 3

Boats A and B, two 23 foot (7m) boats, were approaching the windward mark with B clear astern of A. Just before rounding, B hit the transom of A. Immediately after the incident A's helmsman hailed "Protest" and inspected the transom for damage, finding only minor damage. While he did so, for approximately 20 seconds, the two other crew members were unoccupied. The spinnaker was then set, and after that the protest flag was displayed.

Question 3

Did A display her protest flag at the first reasonable opportunity in compliance with rule 61.1(a)?

Answer 3

No. During the time before the spinnaker was hoisted, two crew members had a reasonable opportunity to display the protest flag, but did not do so.

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Current Position

None. The case is new.

Reason

1. In order to determine if a protest is valid, protest committees must apply the phrase "first reasonable opportunity" in rule 61.1(a), Informing the Protestee, to the display of the protest flag.
2. No current Case interprets this important phrase.