**Racing Rules of Sailing**

**New Case**

A submission from the Royal Yachting Association

**Purpose or Objective**

Add new case to guide protest committees when evidence concerning recalls is disputed.

**Proposal**

**CASE xx**

**Rule 29.1, Recalls: Individual Recall**
**Rule 63.6, Hearings: Taking Evidence and Finding Facts**

*In finding facts, a protest committee will be governed by the weight of evidence. In general, a race official sighting the starting line is better placed than any competing boat to decide whether a boat was over the line at the starting signal and, if so, whether she returned and started correctly.*

**Assumed Facts**

Keelboats were starting on a 300 metres start line between the masts of two committee vessels. At the starting signal, the race officer judged three boats to be over the line. Flag X was promptly displayed with a sound signal. The assistant race officer, in the other committee vessel, confirmed the identity of the three boats and that they had not returned and restarted correctly. All three boats were scored OCS. One of these three boats completed the course and finished first. On learning that she had been scored OCS, she requested redress, maintaining that she had returned and started correctly. She called as witnesses two other competitors who had been close by and who believed that she had returned and started correctly.

**Question 1**

May the decision of a race officer that a boat has not started or restarted correctly be overruled on the basis of other evidence? If so, in what circumstances?

**Answer 1**

Yes, if the protest committee is satisfied on the weight of the evidence that the race officer was not watching while the boat was crossing the start line or carrying out the returning manoeuvre, or was mistaken as to the identity of the boat.
**Question 2**

In assessing the weight of evidence in such a case, should the protest committee attach more weight to that of the race officer?

**Answer 2**

The evidence of the race officer, who is in the best position to judge, is more reliable.

**Question 3**

If the issue is simply whether a boat was ‘over’ the starting line, or whether it had ‘wholly’ returned, is a person who was not in a position to sight along the line a competent witness?

**Answer 3**

See Answer 2. A race officer sighting directly along the line at all relevant times is in the best position to make such a judgement.

**RYA 1994/8**

**Current Position**

None

**Reason**

Frequently competitors question race management decisions that a boat failed to start or return to start correctly. In some instances one or more witnesses will give evidence to support the competitor’s view. This case emphasises that the race officer sighting the line is better placed to decide whether or not the boat started correctly and his judgement should be accepted unless there is substantive evidence to support a contrary view.