

### **Racing Rules of Sailing**

New Case - Rules 2, 62.1(d), 64.1

A submission from the Canadian Yachting Association

#### **Purpose or Objective**

To provide a Case clarifying requirements prior to granting redress.

#### **Proposal**

### **CASE XXX**

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

#### **Rule 62.1(d), Redress**

#### **Rule 64.1, Penalties and Exoneration**

*A boat that cannot be identified, although it may have broken a rule, cannot be penalized.  
Redress under rule 62.1(d) can only be granted when a boat is penalized.*

#### **Summary of the Facts:**

At the start of a race in Optimist dinghies, boat 1492 was on starboard tack with another boat one foot to leeward. The skipper of the boat to leeward grabbed 1492's leeward gunwale. 1492 protested boat 1181 and requested redress, alleging 1492 had been pushed backwards by 1181's action.

The protest committee found as fact that a person had grabbed 1492's leeward gunwale, but from the evidence received during the hearing was not satisfied that 1181 was the boat whose skipper had done so. 1492's protest was dismissed. During the hearing, the protest committee did not address 1492's request for redress.

1492 requested that the hearing be reopened on the grounds that the protest committee had made significant errors. She claimed that the boat to leeward had been clearly identified, and therefore it must have been that boat that pushed her backwards. 1492 also pointed out that the protest committee had failed to rule on her request for redress. The protest committee denied the reopening, because 1492 had presented no new evidence and they did not believe that they had made a significant error. However, when the protest committee met to decide whether to reopen the hearing, it corrected its earlier error regarding 1492's request for redress. The protest committee decided that the requirements for redress in rule 62.1(d) had not been met, and denied 1492's request.

1492 appealed, claiming that the protest committee had failed to take into account all the evidence presented, including that of a witness. 1492 argued that the protest committee failed to logically conclude the identity of the leeward boat that had grabbed 1492's gunwale. 1492 claimed that the protest committee should have protested the boat that had grabbed her leeward gunwale for breaking rule 2.

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## **Decision**

1492 asked the appeals committee to logically conclude the identity of the leeward boat that 1492 had protested. The protest committee commented that, had such conclusion been logically possible at the time of the protest, it would have done so. Under rule 70.1, a conclusion may be appealed but an appeals committee may draw a different conclusion only when the protest committee's conclusion is not supported by the facts it found or is based on an erroneous interpretation of a rule.

Because a boat had not been penalized under rule 2 or disciplined under rule 69, the protest committee correctly concluded that the conditions for redress in rule 62.1(d) had not been met.

The appeal is denied. The protest committee could not identify the boat that was to leeward of 1492 and therefore the boat could not be penalized under any rule.

## Current Position

None.

## Reason

This case clarifies the requirement in rule 62.1(d) before a boat can be granted redress.

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