Racing Rules of Sailing

New Case – Rule 61.1(a), Rules 63.5

A submission from the Canadian Yachting Association

Purpose or Objective

To provide a Case clarifying the requirement to fly a protest flag at first reasonable opportunity when sailing short-handed or in the proximity of other boats.

Proposal

CASE XXX

Rule 61.1(a), Informing the Protestee
Rule 63.5, Validity of the Protest or Request for Redress

A protest flag shall be flown at the first reasonable opportunity. Neither the proximity of other boats nor sailing short-handed provides relief from this requirement.

Summary of the Facts

Three keelboats between 7 and 10 metres in length were rounding a mark in light airs. There was contact between the boats and the inside boat hailed “Protest.” The inside boat (I) did not display a protest flag until approximately five minutes after the incident, and protested both outside boats. Both outside boats were disqualified under Rule 18.

Both of the outside boats appealed in a common submission, on the basis that “I” had not flown her protest flag at the first reasonable opportunity. Having not heard “I’s” hail and having not seen “I’s” protest flag because of its late display, “O” claimed that she had been denied the opportunity to exonerate herself had she so desired. The second outside boat, “O2” was aware of the hail of protest.

The Protest Committee was the only participant to offer comments on the appeal stating the inside boat was short-handed and sailing through a mooring field, and the Protest Committee considered that the delayed display of the protest flag was reasonable in the circumstances.

Decision of the Appeals Committee

Neither of I’s protests against the outside boats met the requirements of rule 61.1. ISAF Case 103 discusses the concept of ‘seamanlike’ as related to boat-handling and states that it “must be based on boat-handling that can reasonably be expected from a competent, but not expert crew of the appropriate number for the boat.” It is reasonable to expect the same efficiency with respect to displaying a protest flag. The presence of other boats, whether underway or moored, is
not reasonable grounds for a boat to delay displaying a flag; nor can she justify such delay because she chose to sail with fewer crew members. The appeal of the two outside boats is upheld. Both boats are to be reinstated in their finishing positions, and the results of the race are to be recalculated.

**Current Position**

None.

**Reason**

“What is the first reasonable opportunity for a boat to display a protest flag,” is the question that the proposed case answers. It is also the one question asked most often by both sailors and judges. Appeals from other countries show some inconsistency on the interpretation of ‘reasonable opportunity” in rule 61.1(a). Currently there is no case that provides an answer. This case provides a useful basis on which to make that decision. The test involves seamanlike boat-handling to display her protest flag.