Racing Rules of Sailing

Rule 63.7

A submission from US Sailing

Purpose or Objective

To extend the range of application of rule 63.7 to all decisions that the protest committee at an event is called upon to make and to any conflict arising between two or more rules in the notice of race, the sailing instructions or any of the ‘other documents that govern the event’.

Two proposals are shown, and the Racing Rules Committee is invited to choose between them. The only difference between them is that the phrase ‘two or more’ precedes ‘rules’ in the first sentence of the Proposal 1, but the phrase is omitted in Proposal 2. The two proposals have identical meaning in English, but the proposers were unsure which wording would be clearest in translations.

Proposal 1

Amend rule 63.7 as follows:

63.7 Conflict Between Rules the Notice of Race and the Sailing Instructions

If there is a conflict between two or more rules a rule in the notice of race and one in the sailing instructions that must be resolved before the protest committee makes a decision can decide a protest or request for redress, the committee shall apply the rule that it believes will provide the fairest result for all boats affected. Rule 63.7 applies only if the conflict is between rules in the notice of race, the sailing instructions, or any of the other documents that govern the event under item (g) of the definition Rule.

Clean copy of the rule if Proposal 1 is accepted

63.7 Conflict Between Rules

If there is a conflict between two or more rules that must be resolved before the protest committee makes a decision, the committee shall apply the rule that it believes will provide the fairest result for all boats affected. Rule 63.7 applies only if the conflict is between rules in the notice of race, the sailing instructions or any of the other documents that govern the event under item (g) of the definition Rule.

Proposal 2

Amend rule 63.7 as follows:

63.7 Conflict Between Rules the Notice of Race and the Sailing Instructions

If there is a conflict between rules a rule in the notice of race and one in the sailing instructions that must be resolved before the protest committee makes a decision can decide a protest or request for redress, the committee shall apply the rule that it believes will provide the fairest result for all boats affected. Rule 63.7 applies only if the conflict
Clean copy of the rule if Proposal 2 is accepted

63.7 Conflict Between Rules
If there is a conflict between rules that must be resolved before the protest committee makes a decision, the committee shall apply the rule that it believes will provide the fairest result for all boats affected. Rule 63.7 applies only if the conflict is between rules in the notice of race, the sailing instructions or any of the other documents that govern the event under item (g) of the definition Rule.

Current Position
As above.

Reasons
It is common to find a conflict between a rule in the notice of race and one in the sailing instructions, and rule 63.7 has been helpful in resolving such conflicts when they arise in the hearing of a protest or of a request for redress. However, it is also common that there are conflicts between two or more of the rules in the notice of race or in the sailing instructions, or between the notice of race or sailing instructions and other documents governing the event. It seems logical and helpful to expand the range of application of rule 63.7 so that it applies to that broader set of potential conflicts. The proposed rule does that.

Current rule 63.7 can be used to resolve a conflict only when resolution of that conflict is necessary in order to decide a protest or request for redress. However, a protest committee is often asked to decide matters referred to it by the organizing authority or the race committee. Indeed, when an international jury serves as the protest committee for an event, rule N2.2 explicitly requires the jury to decide matters referred to it by the organizing authority or the race committee. One of the matters that is often referred to a protest committee for resolution is a conflict between rules. It seems logical to extend the range of applicability of rule 63.7 so that it applies when the resolution of a conflict between rules is referred to the protest committee, and the proposed rule 63.7 does that.

The proposal does not extend rule 63.7 to cover conflicts between rules when one or more of the rules in conflict is a racing rule, a rule in an ISAF code, a prescription or a class rule. When such a conflict arises, it is not appropriate to apply a general ‘fairness’ criterion – instead, the applicable rules in the RRS and ISAF cases should be used to resolve the conflict.

Note that in the proposed new second sentence for rule 63.7 the words ‘Rule 63.7’ are used. Normally, when a racing rule refers to itself the words ‘this rule’ are used. However, if the words ‘this rule’ were used at the beginning of the new second sentence it would be unclear whether those words were referring to rule 63.7 or to ‘the rule that [the protest committee] believes will provide the fairest result for all boats affected.’