Racing Rules of Sailing

New Case

A submission from US Sailing

Purpose

To submit US Sailing Appeal 113 for consideration for publishing in the World Sailing Case Book

Proposal

Case XXX

Rule 63.7, Conflict Between the Notice of Race and the Sailing Instructions

Rule 86.1(b), Changes to the Racing Rules

Either the notice of race or the sailing instructions may change a racing rule. If they conflict with each other, rule 63.7 applies. A protest committee’s decision under rule 63.7 regarding which of two conflicting rules applies is not made in a hearing. The determining factor for applying rule 63.7 is the protest committee’s belief about the fairest result. Its decision under rule 63.7 therefore cannot be the basis of a request for redress or a reopening.

Summary of the Facts

In a Club 420 regatta there was a conflict between a rule in the notice of race and one in the sailing instructions. The notice of race stated that each boat’s two worst race scores would be excluded from her series score if eleven or more races were completed; the sailing instructions stated that only one would be excluded. Twelve races were completed. Club 420 6525 based her tactics on her belief that one race score would be excluded. The race committee calculated the final series scores with each boat’s two worst race scores excluded, which moved 6525 from first to second place in the series. She requested redress.

After consulting with the race committee, the protest committee believed that scoring the series with each boat’s two worst scores excluded would provide the fairest result for all boats. It then denied 6525’s request for redress, and she appealed.

Decision

Either the notice of race or the sailing instructions may change a racing rule (see rule 86.1(b)). When a protest committee considers a protest or request for redress that involves a conflict between a rule in the notice of race and one in the sailing instructions, it must first decide which rule “it believes will provide the fairest result for all boats affected” (see rule 63.7). Therefore, the determining factor for applying rule 63.7 is the committee’s belief about the fairest result. If the committee wishes to obtain information, opinions or advice from others it may do so.

To make that decision the committee is not required to hold a hearing (see rule 63.1). Therefore, none of the other rules of Part 5 of the racing rules governing hearings apply in making that decision. Furthermore, as the protest committee is deciding which of the conflicting rules it believes will provide the fairest result, as required by rule 63.7, that decision cannot be deemed an “improper
action” for the purpose of requesting redress under rule 62.1(a) (Redress), or an “error” for the purpose of requesting a reopening under rule 66 (Reopening a Hearing). Club 420 6525’s appeal is therefore denied, and the decision of the protest committee is upheld.

USSA 2017

Current Position
As above

Reasons
1. This appeal discusses rule 63.7 and what the procedures are for the protest committee to decide which rule applies.

2. This is a relatively new rule, and no current case discusses this issue.