Case 112

A submission from the Chairman of the Race Officials Committee

Proposal

Delete Case 112.

Current Position

Case 112, Case and Call Books 2009-2012

Reason

Case 112 is proposed for deletion for the following reasons:

1. Case 112 states that a competitor may wait until the protested boat has finished before advising her of a protest. Case 112 then goes on to state that the protested boat may not exonerate herself once she has finished.

2. A fundamental premise of our sport is that competitors should be timely informed of a protest in order to have an opportunity to exonerate themselves. Case 112 is contrary to that premise.

3. Case 112 establishes the only situation where a competitor may delay advising another competitor of a protest and, in doing so, gain a significant tactical advantage. In fact, Case 112 permits a competitor to wait until it is too late for a protested boat to exonerate herself before informing that boat that she is being protested. This is contrary to the principles of sportsmanship and fair play stated in rule 2.

4. Case 112 incorrectly interprets rule 28.1. It states that the “error” is made when a boat leaves the mark on the wrong side, yet also states that the “error” only becomes a violation of rule 28.1 after the boat finishes without exonerating herself. That is inconsistent with other provisions in the rules, such as rule 44. It has been long settled that violations occur at the time an error is made, not at the time the boat has failed to exonerate herself. For example, a boat breaks rule 31 when she touches a mark, not at some later point when the first opportunity to exonerate herself has lapsed. Following the logic of Case 112, Boat A could delay protesting Boat B for touching a mark until some later point in time after Boat B has failed to exonerate herself.

5. The logic within Case 112 is contradictory. On the one hand it states that a boat hasn’t broken rule 28.1 until she has finished. Yet, the case also states that another boat may protest at any point before the infringing boat has finished. That makes no sense, and conflicts with rule 61.1(a). A boat intending to protest is required to inform the other boat at the first reasonable opportunity after the incident. If, as Case 112 states, the incident occurs
when the boat finishes, there is no basis for permitting a hail of “protest” before the incident has actually occurred.

6. The statement in answer 1 that ‘rule 28.1 allows her to correct her error at any time before she finishes, but not thereafter’ is not supported by the current version of the rule. This restriction was removed in 2005 as a result of submission 127-02.