Racing Rules of Sailing

Rule 61.1(a)

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To remove ‘intending’ from the first line of rule 61.1(a) and, thereby, make it easier for protest committees decide when a boat has complied with the rule’s requirements.

Proposal

61.1 Informing the Protestee

(a) The protesting boat intending to protest shall inform the other boat at the first reasonable opportunity. When her protest will concern an incident in the racing area that she was involved in or saw, she shall hail ‘Protest’ and conspicuously display a red flag at the first reasonable opportunity for each. She shall display the flag until she is no longer racing. However, [no further change]

Consequential Changes

For windsurfing, change rule 61.1(a) as follows: ‘The protesting board intending to protest ….’ (see rule B5).
For radio sailing, change rule 61.1(a) as follows: ‘The protesting boat intending to protest ….’ (see rule E6.3).
For kiteboards, change rule 61.1(a) as follows: ‘The protesting kiteboard intending to protest ….’ (see rule F5).

Current Position

As above.

Reasons

1. To remove the word ‘intending’ from rule 61.1(a). Removing that word eliminates an argument that a protestor can use for not having informed the protestee at the first reasonable opportunity. Under the current rule, the protesting boat can argue that she did not ‘intend’ to protest until she had waited a reasonable time to allow the protestee to begin to take a Two Turns Penalty. If the protesting boat can wait until her crew decides that they intend to protest, then the current first sentence of rule 61.1(a) becomes much more difficult to apply.

2. In general, a rule that requires the reader to know a person’s state of mind is more difficult to apply than a rule that does not make such a requirement. Therefore, the use of ‘intend’, ‘intending’, ‘intention’ or ‘intentionally’ should be avoided when writing a rule that imposes a requirement on a boat or person.