Racing Rules of Sailing

New Case

A submission from the US SAILING

Purpose

To provide a Case to clarify the application of the RRS to decisions about rating or measurement certificates.

Proposal

CASE XXX (Appeal 104)

Rule 62.1(a), Redress
Rule A3, Starting Times and Finishing Places

A race committee does not have the authority to re-score a race by using a new rating issued after the race has been completed. An appeals committee may consider an allegation that a boat has broken a rule only when it is deciding an appeal of a protest committee decision concerning that allegation.

Summary of the Facts

Rocinante raced in the Queen’s Cup Race and was scored by the race committee using the rating on her PHRF certificate that was in effect at the time of the race. No protest against her was made. Several weeks after the completion of the race, the regional PHRF committee changed Rocinante’s rating acting on its own volition. The race committee then re-scored the race using the new rating, which made her score significantly worse.

Rocinante requested redress, claiming that it was improper for the race committee to re-score the race without a hearing on that issue by a protest committee. The protest committee agreed and granted her redress by reinstating her original score.

Chance requested redress from the protest committee’s decision, claiming it was an improper action because the rating on Rocinante’s certificate was incorrect at the time of the race and therefore her certificate was invalid. She further claimed that, because of the new rating, the race committee should have treated Rocinante’s original score as a scoring error and recalculated it accordingly, and that this action would not have made her score “significantly worse” within the meaning of rule 62.1.

The protest committee denied Chance’s request for redress, and she appealed.

Decision

The race committee acted correctly in using the rating on Rocinante’s certificate that was in effect during the race to determine her corrected time and finishing place (see rule A3). Therefore the race was scored correctly and there was no scoring error to be corrected. Although that rating was changed after the race by a rating authority acting on its own volition, the race committee did not have the authority to re-score the race using the new
Therefore the race committee acted improperly when it re-scored the race, and the protest committee acted correctly when it granted Rocinante redress.

Concerning Chance’s claim that Rocinante’s rating on her certificate was incorrect at the time of the race, the only way for a question of the validity of a boat’s certificate to become the subject of an appeal would be for a protest committee to first decide a protest based on the allegation that the certificate was invalid. In this case, no such protest was made. An appeals committee has no authority to consider an allegation of a rule breach that was not the subject of a protest committee’s decision that was properly appealed.

Chance’s appeal is denied, and the protest committee’s decision is upheld.

December 2010

Current Position

None.

Reasons

This appeal's decision contains useful clarifications of the RRS as they affect decisions of race committees or protest committees concerning rating or measurement certificates. The Case would not duplicate others in the Case Book.