Situation

The situation and facts are the same as in WS Case 140 Question 1, except that boat B is found to have broken rule 2:

A race is started under rule 30.3, U Flag Rule, or 30.4, Black Flag Rule. Twenty seconds before the starting signal there is an incident between boats A and B. The race committee identifies part of A on the course side. A does not return to the pre-start side of the starting line, but continues sailing the course and finishes. The race committee scores her UFD or BFD, as appropriate.

A lodges a valid protest against B. The protest committee disqualifies B for breaking a rule of Part 2. The committee finds that B, as a consequence of breaking a rule, has compelled A to break rule 30.3 or 30.4. It also finds that there was no injury or physical damage, and that B did break rule 2, Fair Sailing.

Question

Is boat A entitled to redress under rule 62.1(d)?

Answer

If boat A did not return to the pre-start side of the starting line, start correctly, sail the course and finish, she would not be entitled to redress as nothing prevented her from complying with rule 28.1 and therefore she did not fulfill the ‘through no fault of her own’ condition in rule 62.1. Her scoring would be DNS, as in Answer 1 of WS Case 140.

If boat A did return to the pre-start side of the starting line, start correctly, sail the course and finish, the protest committee should exonerate her for breaking either rule 30.3 or 30.4, determine her finishing place in accordance with rule A3 and adjust the scores of other boats accordingly.

Boat A might also, under rule 62.1(d), be entitled to redress with a score that is better than her finishing position if the protest committee establishes as a fact that her elapsed time or finishing place has been made significantly worse by an action of boat B breaking rule 2.