

Other Committees -

Case BookA submission from the Royal Yachting AssociationCurrent Position**The ISAF CASE 31**

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

Summary of the Facts

At the start of a race the visual individual recall signal required by rule 29.2 was correctly made, but the accompanying sound signal was not made. One of the recalled boats, A, did not return and later requested redress on the grounds that she started simultaneously with the starting signal and heard no recall sound signal.

The protest committee gave A redress, but, at the end of the day B, another boat, requested redress from the protest committee's earlier decision. B was not given redress, and she then appealed on the grounds that rule 26 states: 'the absence of a sound signal shall be disregarded'.

Decision

Appeal dismissed. The protest committee's decision to give redress to A is upheld. The requirement in rule 29.2 and in Race Signals regarding the making of a sound signal when flag X is displayed is mandatory, as it is essential to call the attention of boats to the fact that one or more of them is subject to recall. When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress. However, if a boat realizes that she was over the line, she must comply with rules 28.1 and 29.1 and, if she fails to do so, she breaks rule 2 and has failed to comply with the basic principle, Sportsmanship and the Rules.

Rule 26 applies only to the warning, preparatory, one-minute and starting signals. When the individual recall signal is made, it is of less importance that the visual and sound signals should be made at the same time. However, they are both mandatory unless the sailing instructions state otherwise.

Proposal**CASE 31**

*When a correct visual recall signal is not accompanied by the required sound signal, ~~a boat that is unaware that she started incorrectly may be given redress~~ **this is an omission by the race committee that may lead to redress.***

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Reason

Although the decision uses the word 'may', it implies that all that is necessary for a boat to be entitled to redress is the absence of a sound signal, and that she was unaware that she started incorrectly. Several other points need making:

- (a) it is often inevitable that a sound signal cannot be heard on all points of the starting line. This is increasing so with 'noisy' modern sail material and (in GBR at least) the reduced use of cannon and shotguns as a result of firearms legislation. Few horns have the same carrying power.

If it would not have been possible for a boat to hear the sound signal had it been made, its omission has no relevance for her. Using a sound signal that cannot be heard from all points of the starting line in all conditions may be an omission, but it is highly undesirable that it should automatically be classified as 'improper', since it is frequently impractical.

- (b) even if the boat were in audible range of a sound signal, it would be incongruous to give redress for its failure if she had a clear view of flag X on the committee boat.
- (c) Since she nevertheless was OCS, the correct redress (which the case does not currently address) should not necessarily be re-instatement to her finishing position if that would be better for her than the finishing position she might have received had she seen or heard the recall signal, returned promptly and started correctly.

