

## PART 5 PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS

*The protest form that was included in previous editions of this book has been replaced by two forms, a hearing request form and a hearing decision form. The new forms, in various formats, are available at the World Sailing website at [sailing.org/racingrules/documents](http://sailing.org/racingrules/documents). They may be downloaded and printed.*

*Note that The Racing Rules of Sailing does not require a particular form to be used. Suggestions for improving these forms are welcome and should be sent to [rules@sailing.org](mailto:rules@sailing.org).*

### SECTION A - PROTESTS; REDRESS; RULE 69 ACTION

#### 60 RIGHT TO PROTEST; RIGHT TO REQUEST REDRESS OR RULE 69 ACTION

##### 60.1 A boat may

- (a) **protest another boat**, but not for an alleged breach of a rule of Part 2 or rule 31 unless she was **involved in or saw the incident**;
- (b) **request redress**; or
- (c) **report** to the protest committee **requesting action under rule 60.3(d) or 69.2(b)**.

Part 2: When Boats Meet  
Rule 31: Touching a Mark

##### 60.2 A race committee may

- (a) **protest a boat**, but not as a result of information arising from a request for redress or an **invalid protest**, or from a **report from a person with a conflict of interest** other than the representative of the boat herself;
- (b) **request redress** for a boat; or
- (c) report to the protest committee **requesting action under** rule 60.3(d) or 69.2(b).

**60.3(d): 60.3** A protest committee may (d) call a hearing to consider whether a support person has broken a rule, based on its own observation or information received from any source, including evidence taken during a hearing.

**69.2(b): 69.2 Action by a Protest Committee**  
(b) When a protest committee, from its own observation or from information received from any source, including evidence taken during a hearing, believes a person may have broken rule 69.1(a) – (69.1 Obligation not to Commit Misconduct; Resolution: (a) A competitor, boat owner or support person shall not commit an act of misconduct), it shall decide whether or not to call a hearing.

## PART 5 PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS continued:

### 60.3 A protest committee may

- (a) **protest a boat**, but not as a result of **information arising** from a request for redress or an invalid *protest*, or from a **report from a person** with a *conflict of interest other than the representative* of the boat herself. However, it **may protest a boat**
  - (1) if it learns of an **incident involving** her that may have resulted in **injury or serious damage**, or
  - (2) if **during the hearing** of a **valid protest** it **learns** that the **boat**, although not a *party* to the hearing, was involved in the incident and **may have broken a rule**;
- (b) **call a hearing to consider redress**;
- (c) **act under rule 69.2(b)**; or
- (d) **call a hearing** to consider whether a **support person has broken a rule**, based on its own observation or information received from any source, including evidence taken during a hearing.

### 60.4 A technical committee may

- (a) **protest a boat**, but not as a result of **information arising** from a request for redress or an invalid *protest*, or from a **report from a person** with a *conflict of interest other than the representative* of the boat herself. However, it **shall protest a boat** if it decides that a **boat or personal equipment does not comply** with the **class rules or with rule 50**;
- (b) **request redress** for a boat; or
- (c) report to the protest committee **requesting action under rule 60.3(d) or 69.2(b)**.

Rule 50: COMPETITOR CLOTHING AND EQUIPMENT

**60.5** However, neither a boat nor a committee **may protest for an alleged breach** of rule 69 or a Regulation referred to in rule 6, unless permitted by the Regulation concerned.

Rule 69: Misconduct, Rule 6: World Sailing Regulations

## PART 5 PROTESTS, REDRESS, HEARING

## 61 PROTEST REQUIREMENTS

## 61.1 Informing the Protestee

(a) The protesting boat shall inform the other boat at the **first reasonable opportunity**. When her *protest* will concern an incident in the racing area, 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,

- (1) if the other boat is beyond hailing distance, the protesting boat need not hail but she shall inform the other boat at the first reasonable opportunity;
- (2) if the hull length of the protesting boat is less than 6 meters, she need not display a red flag;
- (3) if the incident was an error by the other boat in sailing the course, she need not hail or display a red flag but she shall inform the other boat either before or at the first reasonable opportunity after the other boat finishes;
- (4) if at the time of the incident it is obvious to the protesting boat that a member of either crew is in danger, or that injury or serious damage resulted, the requirements of this rule do not apply to her, but she shall attempt to inform the other boat within the time limit of rule 61.3.

Rule 61.3: Protest Time Limit

(b) If the race committee, technical committee or protest committee intends to protest a boat concerning an incident the committee observed in the racing area, it shall inform her after the race within the time limit of rule 61.3. In other cases the committee shall inform the boat of its intention to protest as soon as reasonably possible. A notice posted on the official notice board within the appropriate time limit satisfies this requirement.

(c) If the protest committee decides to protest a boat under rule 60.3(a)(2), it shall inform her as soon as reasonably possible, close the current hearing, proceed as required by rules 61.2 and 63, and hear the original and the new *protests* together.

What is "first reasonable opportunity"? I read several opinions, quoting US Sailing Appeals Committee. "The phrase "first reasonable opportunity," as that phrase is used in rule 61.1(a), means the first time it is practicable for a boat to hail "Protest;" i.e., when the boat is able to hail. Because hailing "Protest" is relatively easy, there are few reasons that will justify a delay. The first reasonable time a boat is able to hail "Protest" is usually immediately (see Appeal 61)." \*\*\* IMHO, immediately after any safety concerns are assuaged, i.e. risk of collision or grounding. \*\*\*

**PART 5** PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS continued:**61.2 Protest Contents**

A *protest* shall be in **writing** and identify

- (a) the **protestor and protestee**;
- (b) the **incident**;
- (c) **where and when** the incident occurred;
- (d) any **rule** the protestor believes was **broken**; and
- (e) the **name** of the **protestor's representative**.

However, if requirement (b) is met, requirement (a) may be met at any time before the hearing, and requirements (d) and (e) may be met before or during the hearing. Requirement (c) may also be met before or during the hearing, provided the protestee is allowed reasonable time to prepare for the hearing.

**61.3 Protest Time Limit**

A *protest* by a boat, or by the race committee, technical committee or protest committee about an **incident observed** in the **racing area**, shall be **delivered to the race office within the protest time limit stated in the sailing instructions**. If **none** is **stated**, the **time limit is two hours after the last boat in the race finishes**. Other *protests* shall be delivered to the race office no later than two hours after the protestor receives the relevant information. The protest committee shall extend the time if there is good reason to do so.

***LCSA Sailing Instructions for last year state:***

(b) The time limit to send this protest email to the LCSA Coordinator is four hours and 30 minutes after the last start (This modifies RRS 61.3).

**PART 5 PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS continued:**

**62 REDRESS**

**62.1** A request for redress or a protest committee’s decision to consider redress shall be based on a claim or possibility that a boat’s score or place in a race or series has been or may be, **through no fault of her own, made significantly worse** by

- (a) an **improper action or omission** of the race committee, protest committee, organizing authority or technical committee for the event, **but not by a protest committee decision** when the boat was a *party* to the hearing;
- (b) **injury or physical damage because of the action of a boat that was breaking a rule of Part 2** and took an appropriate penalty or was penalized, **or** of a **vessel not racing that was required to keep clear** **or** is determined to be **at fault under the IRPCAS** or a government right-of-way rule;
- (c) **giving help** (except to herself or her crew) in compliance with **rule 1.1**; or
- (d) an **action of another boat**, or a **crew member or support person of that boat**, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.

**Rule 1.1: 1.1 Helping Those in Danger**  
A boat, competitor, or *support person* shall give all possible help to any person or vessel in danger.

**Rule 2: FAIR SAILING**  
A boat and her owner shall compete in compliance with recognized principles of sportsmanship and fair play. A boat may be penalized under this rule only if it is clearly established that these principles have been violated. The penalty shall be a disqualification that is not excludable.

**Rule 69: MISCONDUCT**

**62.2** A **request** shall be **in writing** and identify the reason for making it. If the request is based on an **incident in the racing area**, it shall be **delivered** to the race office within the **protest time limit or two hours after the incident, whichever is later**. Other requests shall be delivered as soon as reasonably possible after learning of the reasons for making the request. The protest committee shall extend the time if there is good reason to do so. No red flag is required.

- (a) **However**, on the **last scheduled day of racing** a request for **redress based on a protest committee decision** shall be **delivered no later than 30 minutes after the decision was posted**.