

Racing Rules of Sailing

New Case Based on Q&A 2021 AH

A submission from the Chair of the Racing Rules Committee

Purpose or Objective

The Q&A Panel suggested that a case based on Q&A 2021 AH should be added to *The Case Book*. The Racing Rules Committee agreed during a virtual meeting that the Case Book Working Party should draft such a case, and the case proposed here is that case.

Proposal

Add the following new case to *The Case Book*:

CASE XXX

Rule 62.1(b), Redress

When a boat has been damaged by another boat that broke a rule of Part 2 and took an appropriate penalty, she is not required to continue to sail the course to satisfy the ‘through no fault of her own’ requirement of rule 62.1. However, if she is able to do so, she may improve her chances of being given redress.

Facts

Boat A was physically damaged because of the action of boat B that was breaking a rule of Part 2. After the incident B took an appropriate penalty. The damage affected A’s speed, but it was possible for her to sail the course and finish the race.

Question

Is A required to continue sailing the course to satisfy the ‘through no fault of her own’ requirement of rule 62.1?

Answer

No.

In a redress hearing, the protest committee will consider all the evidence, and will grant A redress under rule 62.1(b) when it decides that A’s score or place in the race or series was or may have been, through no fault of her own, made significantly worse by the physical damage caused by B.

These requirements for redress apply whether or not A decides to retire. However, if A does retire, she will lose an opportunity to demonstrate that her speed was substantially reduced as a result of the damage. This, in turn, could result in the protest committee deciding that, if she had continued to sail the course and finished, her score may not have been significantly worsened by the damage.

There are, however, scenarios in which A's decision to retire would not reduce the likelihood that she would receive redress. Here are three examples:

1. if the damage made A unseaworthy and, therefore, continuing to sail the course would have risked additional damage to A or put the safety of her crew at risk;
2. if delaying her return to shore would have made it unlikely that A could make repairs in time to sail the next race; or
3. if a member of A's crew required medical attention as a result of the incident in which A was damaged.

World Sailing 2024

Current Position

None. The proposed case is new.

Reasons

1. The Racing Rules Committee agreed during its Zoom meeting in March that Q&A 2021.006 should be expanded to carefully explain how each of rules 21.2, 23.2 and 44.2 applied.
 2. The Case Book Working Party wrote extensive comments on earlier drafts of the case. As a result of those comments, the facts were clarified and the answers expanded to explicitly show how each of those rules applied.
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