



Measurement and Rating Protests

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Overview

A brief look through some of the issues.

How should a protest committee proceed and what are the pitfalls they need to avoid?

Throughout we will refer to 'measurement protests'. This may be taken to include also rating protests.

In a short presentation like this it is not possible to cover every issue. We have therefore focussed on what (we hope!) are the fundamentals. We are happy to discuss further 'in the bar'!

Please ask questions as we go.



Rules specifically relevant to a measurement protest

- | | | |
|-----------|-----|--|
| RRS 63.3 | (a) | not a Part 2 hearing so representative need not have been on board. |
| RRS 64.3. | (a) | <i>damage</i>
<i>normal wear and tear</i>
<i>do not improve the performance of the boat</i> |
| | (b) | <i>... Doubt ... authority responsible for interpreting the rule.....?</i>
Might be the Class Association, the Rating Authority, an MNA, or ISAF.
<u>NOT</u> an equipment inspector, class measurer, or other third party.
PC bound by the reply of the authority. |
| | (c) | <i>appeal</i> |
| | (d) | <i>costs</i> |



Rules specifically relevant to a measurement protest (cont.)

RRS 78	(a) responsibility of the person in charge (b) requirement to produce a certificate (c) role of equipment inspectors ... shall report ...
Class Rules	Rules of a rating system are 'Class Rules' Class rules may include measurement and certification procedures, specifications for measurement equipment, measurement/rating tolerances, penalties, etc.
ERS	ISAF Equipment Rules of Sailing are increasingly used
Safety Rules	May be embedded in class rules, local, national or international prescriptions to class rules, NoR/SIs, or Offshore Special Regulations.
ISAF Case 57	See resource pack.



Validity

A measurement protest is still a protest. So, the first step remains to check validity. Validity issues that are specific to a measurement protest:

- It is an 'incident in the racing area'. So, flag and hail are required as normal and also the rest of 61.1.
- The 'incident' must be identified as required by 61.2 (b). "*Daisy's certificate is wrong*" is insufficient". "*Daisy's draft is greater than the value stated on her certificate of 3.40m.*" would be fine.
- The protest committee should restrict itself to the identified issue. Other issues that emerge during the course of a hearing may become the subject of separately lodged protests.



Role of the equipment inspector

Equipment Inspector:

ERS C.4.6 A person appointed by a race committee to carry out **equipment inspection**

Equipment Inspection:

ERS C.4.3 Control carried out at an event as required by the notice of race and the sailing instructions which may include **fundamental measurement**



Role of the equipment inspector (cont)

So, the equipment inspector is appointed by the RC. He (she!) is NOT just any measurer who happens to be at the event

And Equipment Inspection is as defined by the NoR/SIs. Eg, Rolex Commodores' Cup: *Measurement and Inspection checks will be conducted from 0900 on Saturday 14 August in Cowes Yacht Haven. Boats shall be ready for inspection at 0900 on Saturday 14 August with lifelines tensioned in accordance with OSR 3.14.2 and liferafts stowed in accordance with OSR 4.20.3. Early Measurement and Inspection checks will be conducted from 1200 on Friday 13 August.*

Inspections will also be carried out at random during the series. Inspectors may check sails, Offshore Special Regulations, and may check-measure rated dimensions. Infringements found during the series will be protested by the Race Committee (see RRS 60.2).



Role of the equipment inspector (cont)

Before the first race of an event, a sensible equipment inspector will only 'decide that a boat or personal equipment does not comply...' as a last resort. In the great majority of cases, boats co-operate with inspectors, sails are re-cut or replaced and problems resolved.

Once however the event is underway, it is a different matter. An Equipment Inspector is then bound by RRS 78.3 and shall report the matter to the race committee.

Protests are lodged by the RC. The Equipment Inspector is a member of the RC and may be delegated by them to lodge the protest and represent the RC at the hearing. Or he may be called as a witness.



Practicalities

Checking sail dimensions is normally pretty straightforward irrespective of the size of the boat. The inspector just needs a long enough tape measure and enough space.

But while weighing or measuring eg draft on a 70' yacht weighing 30+ tonnes is not physically difficult, logistically it can be a nightmare and may not be possible within the timeframe of a regatta.

Ideally, a PC instructs the equipment inspector to carry out the necessary check measurement. That forms the basis for the facts found. If that is not possible....?

The protestor needs to make his case with supporting evidence

Design data, other measurement data, other measurement certificates, sistership data (careful!)

As with all protests, the test for the PC is the 'balance of probabilities'



Tolerances and their application

Measurement is a precise art. But it is in the real world!

Load cells have defined levels of accuracy. Measurement is often outside in the wind and rain!
Even steel tape measures will stretch.

So there are limits to accuracy. eg, IRC Rule 9.8:

*9.8 In either case where the TCC is reviewed, the certificate becomes invalid if any re-measurement which increases the **boat's** rating differs from the measurement shown on the certificate by more than 1% of: P, E, STL, LH, LWP, **Hull Beam, Draft, FL, LLmax, J, MHW, MTW, MUW**, (see Appendix 1, Measurement Definitions & Abbreviations); by more than 2% of SPA or HSA; by more than 5% of y, x, h or HHB; or by 5% or 200 kg, whichever is the less, in respect of weights; or if specific detail is clearly in error.*

Before therefore deciding that a boat does not comply with her certificate, PCs should consider:

- a) is the discrepancy within any tolerances stated within the relevant class rules?
- b) what is the 'uncertainty' in the reported measurement data?

Only when these have been considered can a PC conclude that a boat does not comply with her certificate



Certificate 'Invalidity'

In the context of 'measurement', what makes a certificate 'invalid'?

When a PC finds as a fact (after taking note of any tolerances and measurement uncertainty) that a limiting dimension specified in a class rule is exceeded.

There may be an explicit statement in a Class Rule. For example, IRC specifies explicitly which dimensions are maxima and which are minima and then states:

8.10.3 *If during **Equipment Inspection** by an **Equipment Inspector**, or during measurement carried out under Rule 13.6, any rated dimension is found to exceed a maximum value or to be less than a minimum value, then the **boat** is not in compliance with her certificate.*

This is probably the key point that a PC needs to address in deciding a measurement protest.

In some cases (eg IRC), Class Rules specify the exact point at which the certificate becomes invalid.

PCs need to refer to this in assessing penalties.



Other Issues

Other Class Rule issues may also arise under the general heading of ‘measurement protests’.

Crew Number or weight limitations.

Crew Classification.

Changing sails or other equipment.

Incorrect or missing sail numbers.

Invalid certificate because of change of ownership.

Out of date certificate.

Unmeasured sails or other equipment.

Advertising.

Safety regulations.

A Notice of Race may also impose further relevant limitations.

Crew changes.

Crew nationality.

Changing sails or other equipment.

IRC Endorsed certificates.

Safety regulations.

So, PCs may be faced with dealing with all of these under the general heading of ‘measurement’.



Penalties

RRS 64.1 (a): ... *It shall disqualify her unless some other penalty applies.*

What other penalties might apply and where might these be specified?

NoR/SIs frequently give a PC discretion on penalties.

BUT that discretion may be limited.

eg, offshore events sometimes give a PC discretion for infringements of OSRs only.

Offshore events (eg RCC) sometimes specify penalties for infringement of rating certificates.

ISAF World Cup discretionary penalties.

RYA paper on discretionary penalties (in development).

Class rules (eg IRC) also sometimes include provision for a PC to apply a discretionary penalty.

The penalty itself is not however normally defined. PCs should refer to discretionary penalty options adopted for the event.

PCs should note that a boat may only be penalised for a race in which she was protested. Unless RRS 2 or 69 comes into play.



Costs

Re-measurement of one or two things on a dinghy might cost a few pounds.

Re-weighing a 70' yacht weighing 30+ tonnes will potentially cost thousands of pounds.

RRS 64.3 (d) defines that measurement costs shall be paid by the unsuccessful party, unless the protest committee decides otherwise.

It would be unusual for a PC to decide otherwise. There would need to be special circumstances. I can only think of one such case.

Class Rules (eg IRC Rule 10.5) sometimes amplify RRS 64.3 (d).

When costs are likely to be large, it is probably not unreasonable for a protestee to ask for an indemnity from the protestor.



CLOSE