



# Appeal and ISAF Q&As 2009 - 2011

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## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 111

The race is started at the third attempt. The preparatory signal is Z for each attempt.

Boat A is OCS in the last minute of the first attempt. There is then a general recall.

Boat B is OCS in the second attempt, being seen just before a postponement a few seconds before the start.

Both boats start correctly in the third attempt. Does a 20% penalty apply to their scores?



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 111

Rule 30.2 says: She shall be penalized even if the race is restarted or resailed, but not if it is *postponed* or *abandoned* before the starting signal.

The case says you apply this to each sequence separately.

Boat A was OCS in a start that was recalled and restarted, so a penalty attaches to her. She was not OCS in the next sequence that was postponed before the starting signal, so her penalty is carried forwards to the third and final start, and so to her score in the race.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 111

Boat B was OCS in a sequence that was then postponed before the starting signal. So her penalty is wiped out, and she gets her actual finishing score.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 111

What if the sequences had been under the Black Flag instead?

What is the score for A, which was on the course side in the last minute of a black flag start that was then recalled, despite which she takes part in the next attempt and the successful start without further infringement?

What is the score for B, which is on the course side in the last minute of the second black flag attempt which is then postponed before the starting signal?



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 111

‘The reasoning in answer 1 applies here.’

B’s penalty is wiped out, A’s is not.

(Note – the case does not say (and perhaps it should) that, assuming A’s number was displayed after the general recall, her penalty will be a DNE because she sailed in the race when she should have gone home.)



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 112

*'If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest when the error is made, or at the first reasonable opportunity after the boat finishes, or at any time in-between.'*

US Sailing had submitted a case that said you had to hail at the time of the error. This was not accepted. The RYA then submitted a case which became Case 112.

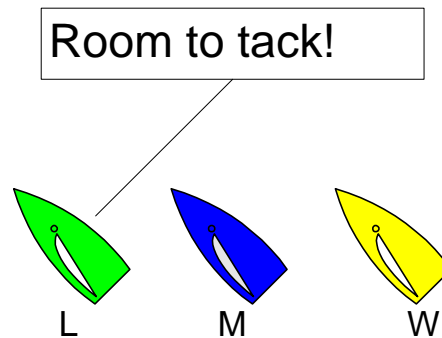
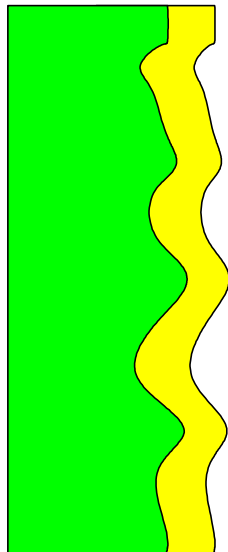
This was, and remains, controversial.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 113



Q1. Does rule 20.1 require W to respond to L's hail, if she hears it?

A1. Yes – she is a 'hailed boat'

Q2. When M hears L's hail, must she hail W for room?

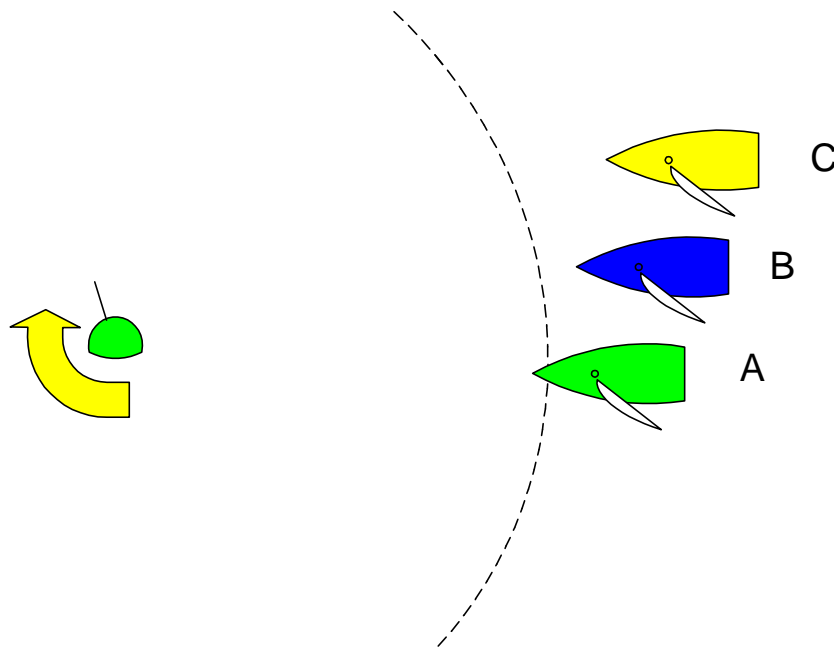
A2. Yes, if W is not already responding to L's hail. M must act to enable herself to 'tack as soon as possible'



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 114



Q1. Does rule 18.2 require A to give enough space to B to give mark-room to C?

A1. Yes – *mark-room* includes *room*, which includes space to manoeuvre in a seamanlike way. B needs that space from A to comply with her obligations to C.

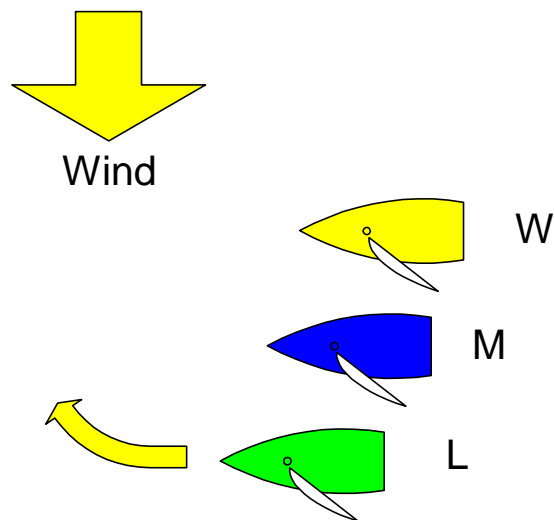
So A must give room for two.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 114



Q2. Rule 17 does not apply to L, which luffs. Does rule 16.1 require L to give enough space to M to enable M to give room to W to keep clear?

A2. Yes. When M changes course to keep clear of L, rule 16.1 requires M to give W room to keep clear. The space M needs to 'manoeuvre in a seamanlike way includes the space she needs to comply with that obligation to W.'

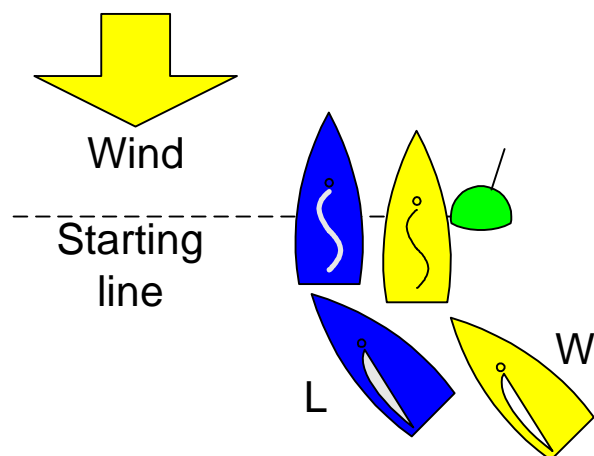
So rule 16.1 requires L to give M sufficient space for M to give W room to keep clear.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 114



Q3. The boats are approaching the line to start. L luffs, W touches the mark while responding. Does L comply with rule 16.1, noting that W has no entitlement to room or mark-room at the mark?

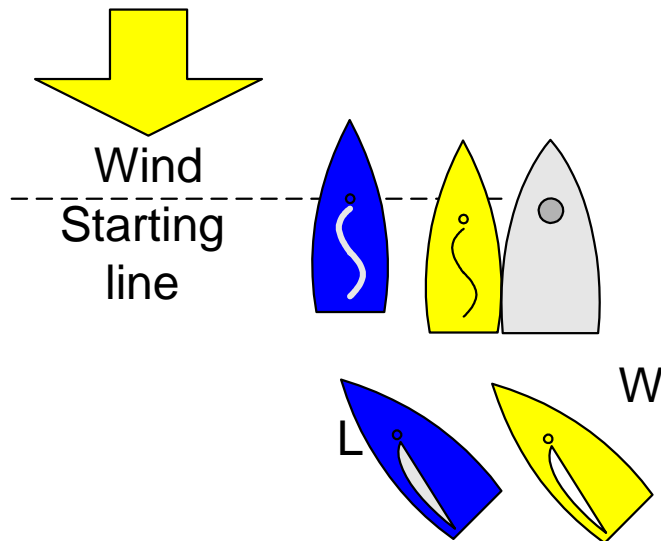
A3. No. W is entitled to room from L to keep clear of L. L is compelled to touch the mark in order to do so. It is not seamanlike to touch a mark, and L did not give W space to keep clear in a seamanlike way. Penalize L, exonerate W for breaking rule 31.



## RECENT CASES AND ISAF Q&AS

### ISAF CASES SINCE 2009

#### Case 114



Q4. The starting mark is now a committee boat, and let's say the SIs have disappplied rule 31. Does L comply with rule 16.1?

A3. No. Touching such a mark risks damaging either the boat racing or the committee boat, and taking such a risk is not seamanlike.



## **RECENT CASES AND ISAF Q&AS**

### **ISAF CASES SINCE 2009**

#### **Case 114**

The abstract for case 114 summarises this as follows:

When a boat is entitled to room, the space she is entitled to includes space for her to keep clear of or give room to other boats when required to do so by the rules.



## **RECENT CASES AND ISAF Q&AS**

### **ISAF CASES SINCE 2009**

#### **Case 2**

The abstract has been reworded.



## **RECENT CASES AND ISAF Q&AS**

### **RYA CASES SINCE 2009**

#### **RYA 2010/1**

SI says results will be posted ASAP on the ONB in the hall of the club.

Within the redress time limit, results marked 'Provisional' are posted in the bar. The appellant is hindered by lack of spectacles, but comments on the handicaps used. He returns two days later, reads the final results now posted in the hall, and lodges a request for redress alleging the handicaps used are wrong.

The request is ruled to be invalid, being out of time. An appeal follows: 'My redress request time limit starts when results that are not marked 'Provisional' are posted on the board in the hall.'

Your decision?



## **RECENT CASES AND ISAF Q&AS**

### **RYA CASES SINCE 2009**

#### **RYA 2010/1**

Decision: appeal dismissed.

Results marked 'Provisional' cannot be ignored.

The appellant was aware that results had been posted, even if not in the place stated by the SIs.

The redress time limit started to run when they were posted in the bar, and the protest committee was correct to decide that there was no good reason to extend the time limit.

(And, by implication, failure to have your reading glasses with you is no excuse!)



## RECENT CASES AND ISAF Q&AS

### RYA CASES SINCE 2009

#### RYA 2010/2

*Fable* sails to the advertised position of a mark. Unknown both to her and to the race committee, the mark has been moved by a mile. *Fable* 'rounds' the spot where the mark isn't.

*Tenacity* (who may not be best mates with *Fable*) knows where the mark has been moved to, sails to it, rounds it, and then protests *Fable* under rule 28.1.

*Tenacity's* protest is dismissed on the grounds that *Fable* had done the best she could in the circumstances, and she appeals.

Your decision?



## **RECENT CASES AND ISAF Q&AS**

### **RYA CASES SINCE 2009**

#### **RYA 2010/2**

RYA decision: Appeal upheld. When a mark is not at its advertised position, a boat that rounds that position (but not the mark itself) breaks rule 28.1. Fable is DSQ.



## RECENT CASES AND ISAF Q&AS

### RYA CASES SINCE 2009

#### RYA 2010/3

There are very few takers for a heavy-weather race that is part of a well-supported series that is longer than a regatta. The start is several miles from harbour.

*Zanzara* struggles to get to the committee boat, but is forced by conditions to run for home when 0.8 nm from the committee boat and 23 minutes after the starting signal.

A DNS (came to the starting area but did not start) would be based on the few entries for that race, and would therefore be much more valuable for series points compared with DNC (did not come to the starting area) which is based on the large series entries.

What is her score, DNC or DNS – and why?



## RECENT CASES AND ISAF Q&AS

### RYA CASES SINCE 2009

#### RYA 2010/3

Answer - DNC.

*'When the starting area is not stated in the sailing instructions, it will normally be the area where boats in good time for their start will sail between their preparatory signal and starting signal.'*

*'When a boat never reaches the starting area, for whatever reason, she is to be scored DNC. When she reaches the starting area after the starting signal but does not start, DNS will be the correct score if the race committee and starting line are still in position, otherwise she is to be scored DNC.'*



## RECENT CASES AND ISAF Q&AS

### RYA CASES SINCE 2009

#### RYA 2011/1 (Not yet published – these are not the real names!)

On the last day of the national championship, there are two races. After the first race of the day, *Digitally Challenged* calculates that to preserve her podium place, she must make sure that *Pushover* does not win the last race. *Digitally Challenged* can afford to discard the last race.

*Digitally Challenged* manoeuvres against *Pushover* at the start, and retires when it is clear that *Pushover* will not win – meanwhile, *Pushover* comes 8<sup>th</sup>, protests under rule 2 and seeks redress.

In fact, *Digitally Challenged* had miscalculated, and her place was safe regardless of where *Pushover* finished.

Your decision?



## **RECENT CASES AND ISAF Q&AS**

### **RYA CASES SINCE 2009**

#### **RYA 2011/1 (Not yet published)**

The decision is to the effect that, when a boat manoeuvres against another, reasonably believing that she will protect her series score by worsening the score of the other boat, she does not break rule 2 if her manoeuvres are in fact unnecessary because her calculations are incorrect.



## **RECENT CASES AND ISAF Q&AS**

### **ISAF Q&As**

- **75 new Q&As since the start of 2009**
- **Nearly every Q that is asked gets its A published**
- **ISAF updates the compendium of Q&As when some new Qs are Aed.**
- **There is a double reference to each case, one to indicate its approximate subject area, and the other to show the year and where in the sequence for that year.**
- **There is no index against precise rule numbers.**
- **In all, currently 156 pages**
- **Here are some of the more interesting recent Q&As**



## RECENT CASES AND ISAF Q&AS

### A 002

**Q.** At a hearing of an invalid protest, a competitor realizes that he has broken a rule. Is the competitor required by rule 2 to retire (retired after finishing)?

If the competitor doesn't (at his own initiative) retire: is the reluctance to retire a new breach (of rule 2), in a new incident, that can be protested by the protest committee?

**A.** Reluctance to retire shall be seen as the same incident, and cannot be protested separately and subsequently by a party, since it presupposes a conclusion that can only follow from the facts found in a valid protest concerning the incident.

The protest committee cannot lodge its own protest under rule 2 against the competitor, since it learned of the incident in an invalid protest.  
(But a rule 69.1 hearing is still possible).



## RECENT CASES AND ISAF Q&AS

A 003

**Q.** In the situation described in ISAF Case 78, the boats are in a one-design series. Would the answer to Question 1 of Case 78 be different if this instead was an ORC or other handicap event, and if Boat A, that was manoeuvring against Boat B, was faster or more manoeuvrable than Boat B?

**A.** No.



## RECENT CASES AND ISAF Q&AS

### B 002

**Q1.** W gets increasingly closer to L. They are overlapped on the same tack. There is no contact. L protests under rule 11. In deciding whether W has kept clear, how is the protest committee to decide whether contact after a hypothetical course change by L is 'immediate'? A very gentle change of course might not result in contact for several seconds. A substantial movement of the helm might result in contact in less than a second.

**A1.** The protest committee should consider facts, such as distance between the boats, wind and sea conditions and the manoeuvrability of the boats, to decide if W kept clear. The shorter the time between L's change of course and contact, or the risk thereof, the more likely W did not keep clear at the time of L's change of course.



## RECENT CASES AND ISAF Q&AS

### B 002

**Q2.** *W* gets increasingly closer to *L*. They are overlapped on the same tack. *L* changes course, and there is contact. *L* protests under rule 11, and *W* protests under rule 16.1. The protest committee decides that the contact was immediate. What is the decision?

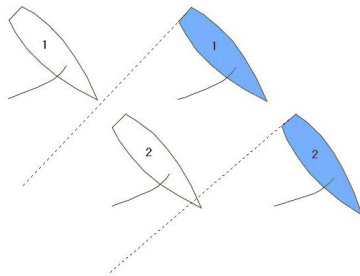
**A2.** When there was (immediate) contact *W* failed to *keep clear* as per the definition. The decision will be to disqualify *W* for breaking rule 11.

When *L* changed course, she had an obligation under rule 16.1 to give *W* *room to keep clear*. If *W* had *room* to increase the separation between the boats, but made no attempt to do so, then *L* had complied with rule 16.1.



## RECENT CASES AND ISAF Q&AS

### B 004



**Q.** How can we determine which boat has the right to choose the side for passing the obstruction?

**A.** At any point in time the right-of-way boat at that moment is entitled by rule 19.2(a) to choose on which side she will pass the obstruction. Therefore, when the boats are at position 1, Blue has the right to choose to pass the obstruction on either side. However, when the boats reach position 2 Blue has lost that right, and at that time White has the right to choose...

...if after position 2 White chose to leave the obstruction to starboard and if the boats remained overlapped, White would have to comply with rules 16.1 and 17, and Blue would have to give White room between her and the obstruction as required by rule 19.2(b).



## RECENT CASES AND ISAF Q&AS

### B 005

**Q.** Is a boat entitled to mark-room allowed to make a tactical approach / tactical rounding (often called “wide in, tight out”) of the mark or is boat entitled to mark-room only allowed to a seamanlike approach / rounding? Has the effect of the rule changed from 2009?

**A.** Only an inside right-of-way boat that is entitled to mark-room may make a tactical approach and a tactical rounding. However, if the inside right-of-way boat is subject to rule 18.4, then, until she gybes, she may not sail farther from the mark than needed to sail her proper course. Note that a tactical rounding may be wider than a proper course rounding.

There is no game change between the 2005 and 2009 rules for the purpose of room given or taken at a mark.



## RECENT CASES AND ISAF Q&AS

B 007

This Q&A concerns responding to a hail for room to tack. It says that a hailed boat does not have to tack or respond 'You Tack' when:

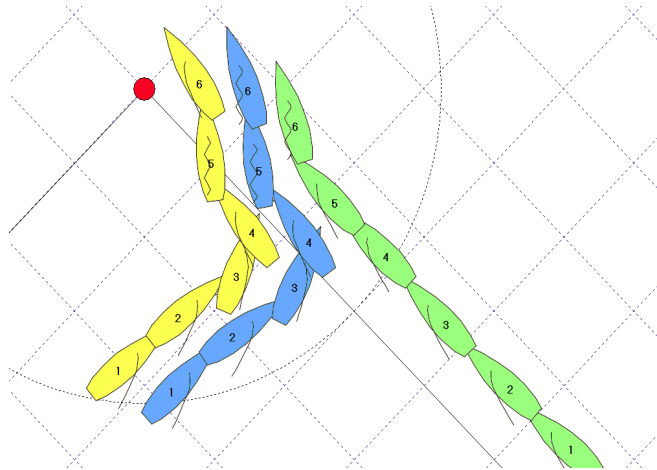
- the hailing boat is clearly sailing lower than close-hauled
- when the boats are not approaching an obstruction – for instance, when two starboard-tack boats approach a port-tack boat

It also points out that when the hailing boat 'tacks', she must reach a close-hauled course on the other tack



## RECENT CASES AND ISAF Q&AS

### B 017



**Q.** Yellow changes tack in the zone then has to luff to pass the mark. Blue also changes tack in the zone and has to luff to keep clear of Yellow. Green has to luff to keep clear of Blue. Has a rule been broken?

**A.** Blue breaks rule 18.3 for causing Green to sail above close-hauled.

Yellow breaks no rule, as (although she causes Blue to sail above close-hauled) she does not cause Green to sail above close-hauled.

Green of course broke no rule.



## RECENT CASES AND ISAF Q&AS

### G 002

Q. The race committee sees a boat touch a mark. Other boats are nearby. No penalty is taken, no-one protests. Should the race committee protest?

A. Sailing is a self policing sport. Boats are expected to promptly take a penalty when appropriate. The primary responsibility for protesting breaches of the rules is with the competitors, not the race officials.

A race committee should not normally protest for a breach of rule 31 unless that breach appears to be an apparent breach of good sportsmanship (rule 2). Examples are:

- deliberately touching the mark in order to gain an advantage
- failing to take a penalty after knowingly touching a mark

If the race committee is satisfied that the boat knew it touched a mark and took no penalty and did not protest another boat (for causing the incident), the race committee should protest even if other boats are in the vicinity.

Those other boats may well have been focused on their own mark rounding and missed the incident.



## RECENT CASES AND ISAF Q&AS

### G 010

Q. When is a signal considered made and what is the correct interpretation as to when a flag is 'displayed'?

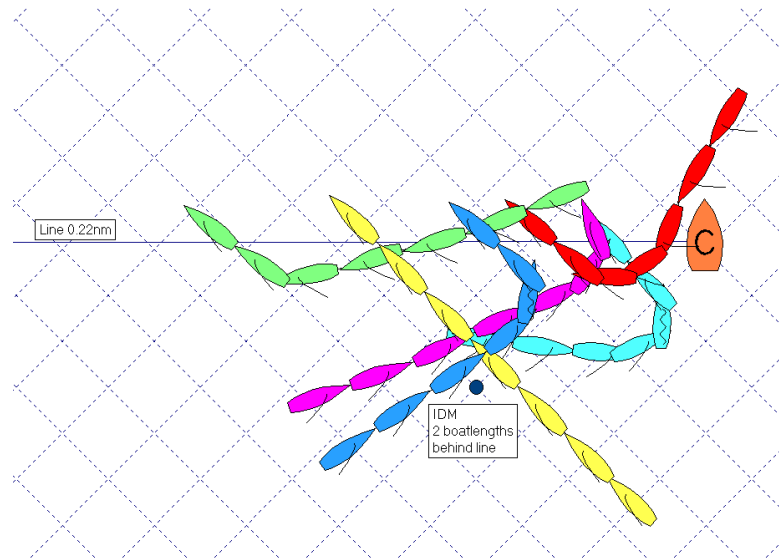
A. A visual signal is made when the flag is displayed. The flag is displayed when it is conspicuously visible. This can be before the flag reaches the top of the hoist. To avoid confusion as short time as possible should be spent hoisting the flag.

A visual signal is removed when the flag is no longer at the top of the hoist.



## RECENT CASES AND ISAF Q&AS

### Ĉ 003



Q. The SI says: 'An inner limit mark may be laid, but not necessarily on the starting line. If laid, yachts shall pass the inner limit mark to starboard when starting'. Which boat has broken rule 28.2?

A. None of them! (In summary) the string test begins to apply when a boat starts.

'For a starting line inner (or outer) limit mark to have a required side, a boat must not be able to pass between it and the starting line if it is on the pre-start side of the starting line or be somewhere within a reasonable distance on the course side of the starting line.'