

World Sailing Racing Rules Question and Answer Service

J 006

Q&A 2018.011
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Situation:

As result of a hearing, a protest committee issues a warning to a support person. After the warning, the support person again breaks a rule against the will of the supported competitor.

Question 1

May the protest committee penalize the competitor without a hearing?

Answer 1

No.

Question 2

If the answer is no, under which rule shall the protest committee protest the competitor?

Answer 2

A *protest* is an allegation that a boat has broken a *rule*. If a boat (the competitor) did not break a *rule* herself, there is no grounds for the protest committee to protest her.

In a hearing called by the protest committee under rule 60.3(d) to consider whether a support person has broken a rule, the supported boat is a *party*. A hearing under rule 60.3(d) shall be conducted in accordance with rule 63.9. Therefore, the boat's representative has the right to be present in accordance with rule 63.3(a). For a hearing under rule 60.3(d), rule 64.4(b) sets the conditions under which the supported boat may be penalized.

Note

The following changes to the Racing Rules of Sailing were approved in November 2017 at the World Sailing Annual Conference and come into effect on 1 January 2018.

In Definitions, change ***Party*** (e) to:

- (e) a *support person* subject to a hearing under rule 60.3(d) or 69; any boat that person supports; a person appointed to present an allegation under rule 60.3(d).

Q&As reflect the opinion of experienced race officials, they are not authoritative interpretations of the rules. Q&As only address the specific question and not all of the factors a protest committee will need to consider in a hearing.

Change rule 63.1 to:

63.1 Requirement for a Hearing

A boat or competitor shall not be penalized without a protest hearing, except as provided in rules 30.2, 30.3, 30.4, 64.3(d), 64.4(b), 69, 78.2, A5 and P2. A decision on redress shall not be made without a hearing. The protest committee shall hear all *protests* and requests for redress that have been delivered to the race office unless it allows a *protest* or request to be withdrawn.

Add new rule 63.9:

63.9 Hearings under Rule 60.3(d) – Support Persons

If the protest committee decides to call a hearing under rule 60.3(d), it shall promptly follow the procedures in rules 63.2, 63.3, 63.4 and 63.6, except that the information given to the *parties* shall be details of the alleged breach and a person may be appointed by the protest committee to present the allegation.

Change rule 64.4 to:

64.4 Decisions Concerning Support Persons

- (a) When the protest committee decides that a *support person* who is a *party* to a hearing under rule 60.3(d) or 69 has broken a *rule*, it may
 - (1) issue a warning,
 - (2) exclude the person from the event or venue or remove any privileges or benefits, or
 - (3) take other action within its jurisdiction as provided by the *rules*.
- (b) The protest committee may also penalize a boat that is a *party* to a hearing under rule 60.3(d) or 69 for the breach of a *rule* by a *support person* by changing the boat's score in a single race, up to and including DSQ, when the protest committee decides that
 - (1) the boat may have gained a competitive advantage as the result of the breach by the *support person*, or
 - (2) the *support person* committed a further breach after the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed.