

CASE 64

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CASE 65

Sportsmanship and the Rules

Rule 2, Fair Sailing

Rule 30.4, Starting Penalties: Black Flag Rule

Rule 69.2, Misconduct: Action by a Protest Committee

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a breach of sportsmanship and of rule 2, and her helmsman commits an act of misconduct.

Facts

At the start of race 4, A was clearly about three to four hull lengths on the course side of the starting line. Rule 30.4 was in effect, so the race committee disqualified her without a hearing. A, although she knew she was over the line at her starting signal, continued to race and covered B for the first part of the first beat. B protested A for breaking rule 2.

The protest committee confirmed the disqualification of A under rule 30.4. It also decided that, by continuing to race and cover B when she knew that she had broken rule 30.4, A broke rule 2. As permitted by rule 2, it penalized her by making her disqualification not excludable. Later the same day, acting under rule 69.2, it called a hearing alleging that the behaviour of A's helmsman in hindering B constituted acts of misconduct. It decided that the helmsman's actions were indeed acts of misconduct and that he had therefore broken rule 69.1(a). It excluded him and disqualified A from all races of the series. A appealed the protest committee's decisions.

Decision

A's appeal is dismissed.

A was correctly disqualified from race 4 for breaking rule 30.4. The protest committee found as fact that A's helmsman knew that he had been on the course side of the starting line at the starting signal; that he had broken rule 30.4; that he was, therefore, already disqualified; and that he had seriously hindered another boat in the race. A competitor who, while knowing that his boat has already been disqualified, intentionally hinders another boat clearly commits a breach of sportsmanship (see Sportsmanship and the Rules) and rule 2. The protest committee was justified in calling a hearing under rule 69.2, and it acted properly under rule 69.2(h) in excluding A's helmsman and disqualifying A from all races of the series. The committee could also call a hearing under rule 60.3(b) to consider redress for B (see rule 62.1(d)).

GBR 1984/7

CASE 66

Rule 84, Governing Rules

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority responsible for interpreting the class rules.

Facts

There is a protest against a number of boats for failure to comply with class rules. The protest committee, after a hearing, concludes that there is reasonable doubt about the interpretation or application of the relevant class rules. Acting under rule 64.3(b), it refers the matter to the class association, as being the appropriate authority qualified to resolve such questions. The class association reports that all the boats concerned have broken a class rule, and the protest committee, accepting the report, disqualifies the boats. The race committee then refuses to implement these decisions because it alleges that for various reasons they are unfair.