

RYA RULES DISPUTES – WHAT TO DO

The best way of dealing with incidents (rules disputes) on the water, if no boat takes a penalty at the time, is to offer a choice of:
(i) an ADVISORY HEARING, (ii) RYA ARBITRATION or (iii) a PROTEST HEARING

ADVISORY HEARING

USE THIS IF YOU JUST WANT TO LEARN WHETHER YOU WERE IN THE RIGHT OR WRONG

- An incident has occurred and no party wishes to protest, but instead want to learn for the future from what happened
- No protest form is required
- All parties meet informally with a Rules Adviser
- The parties describe what happened
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- No one is disqualified or penalised, although a boat in the wrong **may** accept an exoneration penalty (specified in the Sis and commonly a 20% scoring penalty) or retire



RYA ARBITRATION

USE THIS IF YOU WANT THE DISPUTE RESOLVED QUICKLY AND SIMPLY. THIS IS NOT AS FORMAL AS A PROTEST HEARING, AND THE POTENTIAL PENALTY NOT AS DAMAGING TO A BOAT'S SCORE

- An incident has occurred and a valid protest is lodged within the normal time limit
- All parties agree to opt for RYA Arbitration and meet with a Rules Adviser
- The parties describe what happened, and the Rules Adviser will decide whether any witnesses should be called
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- A boat in the wrong is asked to accept the exoneration penalty
- No one is disqualified
- If the exoneration penalty is not accepted, the protest may go to a formal protest hearing
- There are very occasional scenarios when it is not possible or correct to resolve a dispute by RYA Arbitration and instead it has to be taken to a formal protest hearing



PROTEST HEARING

USE THIS IF THE DISPUTE IS COMPLEX, OR IF THERE HAS BEEN INJURY OR SERIOUS DAMAGE, OR IF YOU FEEL AN EXONERATION PENALTY WOULD BE INAPPROPRIATE

- An incident has occurred and a valid protest is lodged within the normal time limit
- A traditional formal hearing of the parties with a Protest Committee (usually of 3 people) will be arranged
- Any boat that has broken a rule will be disqualified

The aim is to encourage everyone to follow *The Racing Rules of Sailing*. This is only a guideline. More detailed information can be found on the RYA website under "Guidance Notes - Rules Disputes" at www.rya.org.uk/racingrules

AN ADVISORY HEARING

Its purpose is to discuss incidents with Advisers and resolve them promptly in an informal but positive way, so that competitors understand the rules better. It is available only where there is no injury, serious damage, related protest or RYA Arbitration.

When an Advisory Hearing is requested, and if all parties agree to this procedure, an Adviser will quickly hear what the parties have to say, decide whether the issues are clear enough without further evidence, and, if so say whether any boat broke a rule, and, if so, which and why.

Redress is not available, but a race committee may agree to correct a mistake if it comes to light.

Sailing Committee – Rule Change

At the December S C meeting it was decided that we would adopt the simplified protest protocol ie An" Advisory Hearing".

This is now being used by many clubs in the UK with the aim of encouraging protests so that members will learn about the racing rules in a more informal and relaxed manner. This new procedure is called an "Advisory Hearing" and it will be adopted with effect from the 1st February 2013. Should a member decide to use the full protest procedure then there is nothing to prevent them from doing so. Notes for the OOD are attached below.

Protests and Advisory Hearings

Guidance notes for Race Officers (OOD)

The following notes have been produced by the Sailing Committee to assist the OOD in the event of a Protest or a request for an Advisory Hearing. They are not exhaustive and in certain circumstances in may be appropriate to depart from them. Over time they will need to be updated to keep them in line with changes to the RRS and experience. Full details of the appropriate procedure can be found in Section 5 of the RRS 2013-2016.

☑ When notified of a protest, the OOD should first establish if an Advisory Hearing is appropriate. If so, it is preferably to have two appropriately qualified Advisers appointed by the OOD.

In the case of a person being hurt or significant boat damage, a full Protest Procedure should be convened.

☑ All parties* to the Hearing should be notified of the time and place of the hearing by the Advisers. Witnesses to the incident will not initially be present while hearing evidence from the parties.

Witnesses will be called later on an individual basis.

☑ With the agreement of the both parties, club members may attend the Advisory Hearing but must not make any comments or gestures or interfere in any way during the Advisory Hearing. (The idea is to help club members to understand and how to interpret the rules).

They may not be present during the deliberations of the Advisers.

☑ Advisers should take evidence from the parties and witnesses without interruption. Questions from the other party and Advisers should follow.

☑ Following the evidence and deliberation, the Advisers will give their decision which is final and against which there is no appeal.

☑ In the case of a breach of Rule 2 Fair Sailing or Rule 69 Gross Misconduct the decision shall be referred to the Sailing Committee for their consideration.

*Parties is the Protestor and Protestee.

RYA Matters

We have been advised that the RYA are increasingly concerned that our sport is falling into disrepute and actually driving current and potential members away. Reports that on and off water shouting is

the cause and they are encouraging clubs to stamp out this inappropriate and unacceptable behaviour. The RYA Charter at the beginning of the RRS makes this clear.

The ONLY WORD that needs to be used is PROTEST which should be CALLED to the infringing boat at the EARLIEST OPPORTUNITY.

If you are correct in your interpretation of the rules, you don't need to say anything else. If you are in the right or wrong and start shouting, then you lay yourself open to a further protest under Rule 2 Fair Sailing and Rule 69 Gross Misconduct. To put it simply, just call 'PROTEST' and shut up!

We are a small club and no one wants to be shouted at on or off the water. You are therefore encouraged to adopt courteous and sportsmanlike behaviour towards your fellow sailors. If you don't, then you might be encouraged to join another club.

Robert Higham

Rear Commodore

01/02/2013