

RULE 61.1 REQUESTING OR CONSIDERING REDRESS

- (a) A boat may request redress.
- (b) The race committee or the technical committee may request redress for a boat.
- (c) The protest committee may call a hearing to consider redress for a boat.

RULE 61.2 REQUESTS FOR REDRESS

- (a) A request for redress shall be in writing and identify the reason for making it.
- (b) A request shall be delivered to the race office (or by such other method as stated in the sailing instructions):
 - (1) if it is based on an incident in the racing area, within the protest time limit or two hours after the incident (whichever is later),
 - (2) if it is based on a protest committee decision on the last scheduled day of racing, no later than 30 minutes after the decision was posted, or
 - (3) for all other requests, as soon as reasonably possible after the relevant information is available.

However, the protest committee shall extend the time if there is good reason to do so.

RULE 61.3 INVALID REQUESTS

A request for redress is invalid if it does not comply with rule 61.2.

RULE 61.4 REDRESS DECISIONS

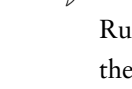
- (a) The protest committee shall conduct a hearing as required by rule 63 to decide whether to grant redress.
- (b) A boat is entitled to redress if her score or place in a race or series has been made, or may be made, significantly worse through no fault of her own by
 - (1) an improper action or improper omission of a *committee* or the organizing authority, but not by a protest committee decision when the boat was a *party* to the hearing,
 - (2) injury or physical damage because of the action of a boat that was breaking a rule of Part 2 and took an appropriate penalty or was penalized,
 - (3) injury or physical damage because of the action of a vessel not *racing* that was required to keep clear or is determined to be at fault under the IRPCAS or a government right-of-way rule,
 - (4) giving help (except to herself or her crew) in compliance with rule 1.1, or
 - (5) an action of another boat, or a crew member or *support person* of that boat, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.

“Redress” is a form of compensation the protest committee can give boats when they have lost finishing places or time as a result of certain circumstances that were out of their control. Rule 61.4 lists the five specific circumstances under which a boat can request redress. If something else makes a boat’s finishing score or place worse, it is tough luck. Three examples of “tough luck” are: (1) when a boat fouls you and the boats get locked together for a time but there is no physical damage or injury, (2) you get fouled and forced over the starting line as a result, and (3) when a boat fails to give you *mark-room* and you are forced to the wrong side of the *mark* in order not to hit them. These unfortunate situations always remind me of the old saying, “He was in the right as he sped along; but he’s just as dead as if he was wrong.”

Note that in order to be entitled to redress, your score or place in the race or series has to have been, or will possibly be, made significantly worse. In other words, if the sailing instructions specify that marks will be yellow and the race committee uses orange marks instead, this is an “improper action;” but if you sailed the course with no confusion, your finishing score or place wasn’t made worse by the “improper action” of the race committee; therefore, you are not entitled to redress.

Finally note that your finishing score or place has to be worsened by one of the five circumstances in rule 61.4 and “through no fault of your own.” For instance, if you know you are over the starting line early (OCS) but the race committee fails to signal your OCS properly, and you don’t come back and *start*, the race committee made an “improper action;” but you also contributed to your OCS score because you knew you had not *started* the race and chose to break rule 28.1 (Sailing the Course) (see Cases 31 and 71).

Another example is when the leeward *mark* is drifting downwind, but instead of rounding it and *finishing*, you drop out of the race and request redress. You caused your finishing score to be DNF, so you cannot get redress for the *mark* being out of position.



“OK, so what do I have to do to request redress?”

Rule 61.2 says that you have to make a **written** request for redress and identify the reason for making it. You can use the standard hearing request form available at most regattas, which has a box to check indicating you are requesting redress. Keep in mind, if your request is based on a claim that the race committee did something wrong, you are not “protesting” the race committee; you are simply requesting redress based on their action (see Case 44). You do not need to fly a red flag or do anything special on the water to request redress. If the incident happened in the racing area, you need to file your request within the protest time limit or two hours after the incident, whichever is later. For other requests, file them as soon as reasonably possible after learning of the reasons for making the request. (See Case 102 and Appeal 90.)



“Can you walk me through the five circumstances that might entitle me to redress?”

Sure.

- **RULE 61.4(b)(1):** These are circumstances where a *committee* does something it is not supposed to do, or fails to do something it is supposed to do. Note that if the sailing instructions say the race committee “will” do something and it fails to, or does something else instead, that is an “improper action or omission” of the race committee. If the protest committee fails to follow the procedures for a hearing in Part 5, Section B of *The Racing Rules of Sailing*, that too is an “improper action.” And if the organizing authority for an event supplies the boats, and one of them is defective, that is an “improper action” of the organizing authority. Note that if you are a *party* in a hearing and you do not agree with the protest committee decision (as opposed to its procedures), you cannot request redress. Your only two options are to request that the hearing be reopened (see rule 66, Reopening a Hearing), or appeal (see rule 70.1, Appeals and Requests to a National Authority, and Appendix R, Procedures for Appeals and Requests). (See also Cases 31 and 71.)
- **RULE 61.4(b)(2):** This is the circumstance where your boat has been physically damaged or someone on your boat has been injured by a boat that was required to *keep clear* of you under Part 2 of the racing rules (When Boats Meet).
Note that this does not apply in the circumstance where a keep-clear boat has made you lose time or places by forcing you off course or forcing you on the wrong side of a *mark* or even capsizing you. This applies only when something on the boat was physically broken (“damaged”) as a direct result of a rules breach by keep-clear boat, and that damage directly caused the boat to finish worse than she would have had there been no damage (see Case 110). Note, in order to be entitled to redress under rule 61.4(b)(2), the other boat, if it were also *racing*, must have taken an appropriate penalty or have been penalized, which means you should always protest the boat that caused the physical damage or injury.
- **RULE 61.4(b)(3):** This is the circumstance where your boat has been physically damaged or someone on your boat has been injured by a non-racing boat required to keep clear under the government right-of-way rules for the area in which you are sailing.
- **RULE 61.4(b)(4):** This is the circumstance where you give help to someone in trouble. Remember, rule 1.1 (Helping Those in Danger) says, “A boat, competitor or support person shall give all possible help to any person or vessel in danger.” When you lose finishing places or time as a result of giving help, you are entitled to compensation (“redress”) for that. (See the discussion of rule 1.1 and Case 20.)
- **RULE 61.4(b)(5):** This is the circumstance where someone has done something bad enough to break rule 2 (Fair Sailing) or receive a warning or penalty under rule 69.2(h) (Misconduct; Action by a Protest Committee) and their action adversely affected you. An example is a boat cuts a *mark* and sits on your wind causing you to lose ten places. You would need to protest them for breaking rule 28.1 (Sailing the Course) and rule 2, claiming it was an intentional infringement. You could suggest that it also warranted a hearing under rule 69 (see rule 69.2(b)), but that would ultimately be up to the protest committee to decide. Assuming the boat was found to have broken rule 2, and/or received a warning or penalty under rule 69.2(h), and assuming the protest committee decided that the boat’s action directly caused your score to be significantly worse through no fault of your own, you are entitled to redress. (See Case 34.)



“Thanks. So when the protest committee decides I am entitled to redress, what do they do?”

Once the protest committee decides that a boat is entitled to redress, they turn to rule 61.4(c) (Redress Decisions).

RULE 61.4(c) — REDRESS DECISIONS

- (c) If a boat is entitled to redress, the protest committee shall make as fair an arrangement as possible for all boats affected, whether or not they asked for redress. This may be to adjust the scoring (see rule A9 for examples) or finishing times of boats, to *abandon* the race, to let the results stand or to make some other arrangement.
- (d) If there is doubt about the facts or probable results of any arrangement for the race or series, especially before *abandoning* the race, the protest committee shall take evidence from appropriate sources.

Case 31 says, “When it is decided that a boat is entitled to redress, rule 61.4(c) requires the protest committee to ‘make as fair an arrangement as possible for all boats affected.’ This might be to adjust a boat’s finishing time, add some number of places to her actual or average finishing place, reinstate her in her finishing place, or to make some other adjustment that conforms to rule 61.4(c). Clearly, rule 61.4(c) gives a protest committee tremendous discretion to do whatever it thinks is fairest for all the boats that will be affected by the arrangement the protest committee decides to make, whether or not they asked for redress. And rule 61.4(d) reminds protest committees to take appropriate evidence before making its decision when it has some questions as to the facts or probable results of any arrangement for the race or series. (See Cases 31 and 71.) Rule A9 (Guidance on Redress) gives protest committees some suggestions.

RULE A9 — GUIDANCE ON REDRESS

If the protest committee decides to give redress by adjusting a boat’s score for a race, it is advised to consider scoring her

- (a) points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races in the series except the race in question;
- (b) points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races before the race in question; or
- (c) points based on the position of the boat in the race at the time of the incident that justified redress.

“If a boat is requesting redress, am I entitled to be in that hearing and give evidence?”



If the US Sailing prescriptions after rule 63.1 (Rights of Parties) are in effect (and they are in effect in the U.S. unless the notice of race or sailing instructions specifically say they are not; see rule 88.2, National Prescriptions), then you are allowed to participate in the hearing and the protest committee is required to consider redress for you, making you a *party*.

The redress after rule 63.1 says, “US Sailing prescribes that when redress has been requested or is to be considered for one or more boats:

- (a) Any other boat may participate in the hearing.
- (b) The protest committee shall make a reasonable attempt to notify all boats of the time and place of the hearing and the reason for the request or for considering redress, and boats shall be allowed reasonable time to prepare for the hearing.
- (c) The protest committee shall call a hearing to hear the request for redress and to consider redress for any other boats that

- (1) participate in the hearing, or
- (2) request in writing to do so before the hearing begins.

So when the prescriptions are in effect and the protest committee receives a request for redress, the norm is for it to post a copy of the request on the official notice board with the time and place of the hearing, leaving a reasonable amount of time for sailors to prepare for the hearing or to make a written request to participate if they are unable to be there in person but wish to become a *party* to the hearing. All sailors who participate in the hearing, or make a written request to do so before the hearing begins, must be made *parties* to the hearing by the protest committee, with the full right to give evidence, ask questions, call witnesses and appeal.