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## Changes in the 2025-2028 RRS that will affect members of protest committees / judges

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- ***The Equipment Rules of Sailing* are referenced in the Introduction under “Terminology”:**

“Other words and terms are used in the sense ordinarily understood in nautical or general use. For a source of the nautical sense of a word, a reader may refer to *The Equipment Rules of Sailing*.”

- **The new definition *Committee* means:** “The protest committee, the race committee or the technical committee.” No change of meaning here. Just a change for expediency in referring to those committees throughout the RRS.
- **Rule 76.1, Exclusion of Boats or Competitors has added a qualifier for the timing and the reason given by the OA or RC.**

### 2021-2024 RRS

Rule 76.1 “The organizing authority or the race committee may reject or cancel the entry of a boat or exclude a competitor, subject to rule 76.3, provided it does so before the start of the first race and states the reason for doing so. On request the boat shall promptly be given the reason in writing. The boat may request redress if she considers that the rejection or exclusion is improper.”

Rule 86.1(b) “The notice of race or sailing instructions may change a racing rule, but not rule 76.1 or 76.2, Appendix R, or a rule listed in rule 86.1(a).”

### 2025-2028 RRS

Rule 76.1 “The organizing authority or the race committee may reject or cancel the entry of a boat or exclude a competitor, provided

- (a) it does so before the start of the first race **after receipt of the entry for the boat or the competitor**, and
- (b) it states a **proper** reason for doing so. The reason shall be provided promptly in writing if requested by the boat or competitor.”

**Rule 76.3 “Redress may be requested by a boat or competitor that considers that the rejection or exclusion is improper or that it broke rule 76.2.”**

Rule 86.1(b) “The notice of race or sailing instructions may change a racing rule, but not rule 4, 76.1 or 76.2(a), Appendix R, or a rule listed in rule 86.1(a).”

Note: rule 76.3 is not listed in rule 86.1(a), meaning the NoR or SI’s may change new rule 76.3.

- **Part 5 (Protests, Redress, Hearings, Misconduct and Appeals), Sections A and B (rules 60-65)**

These rules have been completely rearranged and renumbered to provide a better organization of the rules but with no significant changes. The new structure is this:

**Section A, Protests; Redress; Support Persons**

- Rule 60, Protests
- Rule 61, Redress
- Rule 62, Support Persons

**Section B, Hearings and Making Decisions**

- Rule 63, Conduct of Hearings
- Rule 64, Discretionary Penalties
- Rule 65, Legal Liability and Costs

- **A technical committee is no longer required to protest a boat.**

**2021-2024 RRS**

Rule 60.4, Right to Protest, etc. “A **technical committee** may (a) protest a boat, but not as a result of information arising from a request for redress or an invalid *protest*, or from a report from a person with a *conflict of interest* other than the representative of the boat herself. However, **it shall protest a boat** if it decides that a boat or personal equipment does not comply with the class rules or with rule 50;”

Note: the second sentence in rule 60.4 using the term “shall” has been deleted.

**2025-2028 RRS**

Rule 60.1, Right to Protest “A boat or *committee* **may** protest a boat.”

- **The length of the hull for when a protest flag is required has been changed.**

**2021-2024 RRS**

Rule 61.1(a)(2) “if the hull length of the protesting boat is **less than 6 metres**, she need not display a red flag...”

**2025-2028 RRS**

Rule 60.2(a)(1) “If the protestor is a boat, she shall hail ‘Protest’ and, if her hull length is **longer than 6 metres**, conspicuously display a red flag..”

- **Boats are no longer required to display a protest flag when the protested boat is beyond hailing distance.**

**2021-2024 RRS**

Rule 61.1(a)(1) “if the other boat is beyond hailing distance, the protesting boat need not hail but she shall inform the other boat at the first reasonable opportunity;” The protestor was still required to display a red flag if the boat was 6 meters or longer (rule 61.1(a)(2)).

**2025-2028 RRS**

Rule 60.2(b)(1) “However, if (1) the protestee is not within hailing distance at the time of the incident, then the **only requirement for the protestor is to inform the protestee of its intention to protest at the first reasonable opportunity.**”

- **The timing of informing a boat of the intention to protest an error in sailing the course has been changed.**

### **2021-2024 RRS**

Rule 61.1(a)(3) “if the incident was an error by the other boat in *sailing the course*, she need not hail or display a red flag but she shall inform the other boat **either before or at the first reasonable opportunity after the other boat finishes;**”

### **2025-2028 RRS**

Rule 60.2(b)(2) “However, if (2) the incident was an error in *sailing the course*, then the **only requirement for the protestor is to inform the protestee of its intention to protest at the first reasonable opportunity.**”

This raises the question: the “first reasonable opportunity” after what? The FRO after the boat made the error in sailing the course? The FRO after the boat which made the error finishes?

Note: a “protest” is an allegation that a boat has broken a rule, and a boat has not broken rule 28.1, Sailing the Course, until it has finished and is no longer racing. So it seems reasonable to interpret new rule 60.2(b)(2) to mean the first reasonable opportunity after the boat making the error in sailing the course has finished and is no longer racing.

- **The protest contents, and when the required contents have to be met, have been changed.**

### **2021-2024 RRS**

Rule 61.2, Protest Contents

“A *protest* shall be in writing and identify

- (a) the protestor and protestee;
- (b) the incident;
- (c) where and when the incident occurred;
- (d) any *rule* the protestor believes was broken; and
- (e) the name of the protestor’s representative.

However, if requirement (b) is met, requirement (a) may be met at any time before the hearing, and requirements (d) and (e) may be met before or during the hearing. Requirement (c) may also be met before or during the hearing, provided the protestee is allowed reasonable time to prepare for the hearing

### **2025-2028 RRS**

Rule 60.3(a), Delivering a Protest

“When delivered, a *protest* shall be in writing and **identify the protestor, the protestee, and the incident.**”

Note: once delivered, the identity of the protestee cannot be changed. The incorrect information does not make the protest invalid. It just means the actual protestee may not have been notified of the time and place of the hearing, etc. as required by rule 63.1(a)(1), and it may be too late to correct that.

- **Slight change in the timing of requesting redress.**

#### **2021-2024 RRS**

Rule 62.2, Redress “Other requests shall be delivered as soon as reasonably possible after learning of the reasons for making the request.”

#### **2025-2028 RRS**

Rule 61.2(b), Requests for Redress “for all other requests, as soon as reasonably possible **after the relevant information is available.**”

- **Slight change to making a protest or request for redress available to the parties.**

#### **2021-2024 RRS**

Rule 63.2, Time and Place of the Hearing; Time for Parties to Prepare “...the protest or redress information or the allegations shall be made available to them...”

#### **2025-2028 RRS**

Rule 63.1(a)(2), Rights of Parties “(a) All parties to a hearing shall be **(2) given access to the protest, request for redress, or report to be considered at the hearing,**”

The idea is that this change clarifies that the information can be online, such as on an online Official Notice Board.

- **Slight change to the process for a protest committee when redress has been requested.**

#### **2021-2024 RRS**

Rule 63.2, US Sailing Rx: “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 request redress for boats (1) that participate in the hearing, or (2) that request in writing to do so before the hearing begins, making them *parties* to the hearing. It need not state a reason for such a request; this changes rule 62.2.”

#### **2025-2028 RRS**

Rule 63.1(b), US Sailing Rx: “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.”

Note: when the protest committee “calls a hearing to consider redress for boats,” those boats become “parties” to the hearing (see the definition *Party*).

- **Clarification that a party who is also a witness can remain in the hearing.**

#### **2021-2024 RRS**

Rule 63.3(a) “A representative of each *party* to the hearing has the right to be present throughout the hearing of all the evidence...Any witness, other than a member of the protest committee, shall be excluded except when giving evidence.”

#### **2025-2028 RRS**

Rule 63.4(e) “A witness shall be excluded from the hearing when not giving evidence, except for a witness who: (1) **is also a *party***, or (2) is a member of the protest committee.”

- **Permits the NoR or SI to provide a penalty for breaking a rule.**

#### **2025-2028 RRS**

Rule 60.5(b), Protest Decisions

“(b) A boat shall only be penalized (3) **under a *rule* which expressly states that a penalty may be applied without a hearing.**”

This permits the NoR or SI to provide a penalty for breaking a rule, such as a rule in the NoR or SI’s, without having to make a change to a rule.

- **Slight change to the application of the “balance of probabilities”.**

#### **2021-2024 RRS**

Rule 64.1(a), Standard of Proof, Majority Decisions and Reclassifying Requests “A protest committee shall make its decision based on a balance of probabilities, unless provided for otherwise in the rule alleged to have been broken.”

#### **2025-2028 RRS**

Rule 63.5(a), Decisions “The protest committee shall consider the evidence and decide what weight to give it. **It shall then find the facts based on the balance of probabilities** (unless an applicable rule requires otherwise), and then apply the rules to those facts to make its conclusions and a decision.”

- **Puts a “validity” test in a request for a reopening.**

#### **2021-2024 RRS**

Rule 66.2, Reopening a Hearing “A *party* to the hearing may request a reopening in writing no later than 24 hours after being informed of the decision.”

#### **2025-2028 RRS**

Rule 63.7(b), Reopening a Hearing “A *party* to the hearing may request a reopening by delivering a written request to the race office (or by such other method as stated in the sailing instructions) no later than 24 hours after being informed of the decision. **The request shall identify the reason for making it. A request that does not comply with this rule is invalid.**”

Note: rule 63.7(c) states, as the previous rule did as well: “The protest committee shall consider all requests to reopen a hearing.” The first thing the protest committee will decide is whether the request is valid.

- Clarifies that rule 65.1, Legal Liability, is about monetary damages.

#### 2021-2024 RRS

Rule 67, Damages “The question of damages arising from a breach of any *rule* shall be governed by the prescriptions, if any, of the national authority.”

#### 2025-2028 RRS

Rule 65.1, Legal Liability and Costs “65.1 Questions of **legal liability** arising from a breach of a *rule*, including any claims for **monetary** damages, shall be governed by prescriptions, if any, of the national authority.”

- New Note on handling rule 69 hearings.

#### 2025-2028 RRS

*US Sailing Note:* Before conducting a hearing under rule 69, a protest committee is urged to study the chapter on misconduct in the US Sailing Judges Manual. Go to [ussailing.org/judges](http://ussailing.org/judges) and click the link to the Judges Manual.

- Changes the penalty for a breach of a class rule in some situations.

#### 2025-2028 RRS

Added to end of rule 78.1, Compliance with Class Rules; Certificates “**When a *rule* provides that the penalty for a breach of a class rule may be less than disqualification, the same penalty will apply to a breach of this rule.**”

- New language in the preamble to Appendix V2, Post-Race Penalties

#### 2025-2028 RRS

Appendix V2, Post-Race Penalties preamble “**When rule V2 applies it does not replace any penalty that may be taken under rule 44.1. The availability of the penalty provided in rule V2 does not eliminate the need for a boat to promptly take an appropriate penalty or action in accordance with the Basic Principle, Sportsmanship and the Rules.**”

- 2025-2028 Appendix M, Recommendations for Protest Committees, has been renumbered.

