

This guidance note addresses the process required by rule D5 when considering redress requested by a team suffering a breakdown of a boat supplied by the organising authority.

1. General

A request by a competitor suffering a breakdown is a request for redress made in accordance with rule 62.1(a). The consideration of the request is different to the extent that it is considered and decided by the race committee in accordance with rule D5.

2. Validity Requirements

A red flag shall be displayed as soon as possible after any loss of performance is noticed. The flag does not need to be displayed to the finish. The flag should also be drawn to the attention of, and acknowledged by, an umpire at the first reasonable opportunity.

The request must be submitted within the time specified in the sailing instructions; UKTRA SI 4.1 refers. If rule D2.4(b) applies the request does not need to be in writing.

3. Boat Continuing Racing

Rule D5.1 requires the boat to continue racing if possible. UKTRA SI K.4 requires her to retire immediately if continuing to race risks further damage.

4. What is a Breakdown?

It includes faulty equipment. It does not include equipment that a prudent competitor should reasonably be expected to check when taking over the boat. Shackles or knots that come undone in the cockpit area are not breakdowns.

5. Taking of Evidence

When the race committee is taking evidence from the boat making the request it is advisable that a representative of the other team in the race should be present and allowed to give evidence.

6. Impact on Finishing Position

The boat seeking redress has the onus of convincing the race committee that her team would have finished in significantly better places in the race if the breakdown had not occurred.

7. Race Committee Consultation

The race committee should if practical consult the race umpires to seek their opinion on whether specifically the damage changed the race result, and should consult the damage officer on the exact nature of the damage.

8. Race Committee Decision

A boat shall only be entitled to redress if she satisfies all the requirements of rule D5 as clarified above. Only then should the race committee decide what redress, if any, to award and which shall be in accordance with rule 64.2.

9. Further Requests for Redress against Race Committee Decisions

These can only address whether the race committee complied with rule D5. If the race committee complied with rule D5 the protest committee cannot address any subjective judgement as to what is fairest decision to all competitors.

A pro-forma for use by the race committee is below.

Request for Resail Proforma

Race No

Request:

Time lodged

Team

Helm

Sail number

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Representative of opposing team is present: Yes / No

	Resail officer	Competitor	Reported
When did it happen?			
Was it a breakdown?			
In what way did the breakdown significantly worsen the boat's finishing position?			
When was red flag displayed?			
When did teams come ashore?			
Is the request within the time limit?			
Why didn't boat continue racing?			
Was breakdown fault of the crew?			
Reasonably-competent crew avoided it?			
Was finishing position predictable?			

Extract from the Rules

D5 BREAKDOWNS WHEN BOATS ARE SUPPLIED BY THE ORGANIZING AUTHORITY

D5.1 A supplied boat suffering a breakdown, and seeking redress as a result, shall display a red flag at the first reasonable opportunity and, if possible, continue racing. The race committee shall decide redress as provided in rules D5.2 and D5.3.

D5.2 When the race committee decides that the boat's finishing position was made significantly worse, that the breakdown was through no fault of the crew, and that in the same circumstances a reasonably competent crew would not have been able to avoid the breakdown, it shall make as equitable a decision as possible. This may be to order the race to be

resailed or, when the boat's finishing position was predictable, award her points for that position. Any doubt about a boat's position when she broke down shall be resolved against her.

D5.3 A breakdown caused by defective supplied equipment or a breach of a rule by an opponent shall not normally be determined to be the fault of the crew, but one caused by careless handling, capsizing or a breach by a boat on the same team shall be. Any doubt about the fault of the crew shall be resolved in the boat's favour.

Decision (ring one):

No or Resail or Adjust points:
Redress

I have informed both teams of my decision

Event issue number:

..... Resail Officer. Date and time