



Ontario Sailing Appeal #OS2016-05

F18 CAN 18 v F18 CAN 007

F18 CAN 18 v F18 1255

F18 CAN 18 v F18 CAN 443

F18 CAN 18 delivered an appeal of the decision of the protest committee on 11 September 2016 at the Fanfare Regatta (Nepean Sailing Club) to Sail Canada on 18 September 2016. The appeal was delegated to the appeals committee of Ontario Sailing for a decision.

Rule 61.1(a) Protest Requirements; Informing the Protestee

Rule 61.2(b) Protest Requirements; Protest Contents

Rule 63.5 Hearings; Validity of the Protest or Request for Redress

Rule 71.2 National Authority Decisions

A boat intending to protest shall inform the other boat at the first reasonable opportunity. A protest shall be in writing and identify the incident, including where and when it occurred.

F18 CAN 18 protested three other F18s alleging that the three boats had not complied with some class measurement rules. Her protests were delivered on the final day of a three day regatta. The protest committee heard the three protests together. It dismissed CAN 18's protests on the basis that the notice of race did not require either measurement certificates or stamped sails.

CAN 18 appealed claiming the protest committee's decision was incorrect because it did not apply the class rules when the notice of race and sailing instructions stated that the F18 class rules applied.

Decision of the appeals committee

In considering her appeal, the appeals committee reviewed the three protest forms submitted by CAN 18. In the notification section of each protest form, the "no" box was checked in answer to the question "Did you inform the protested boat of the protest?" Rule 61.1(a) requires a boat intending to protest to inform the other boat at the first reasonable opportunity. The other boats were not informed by CAN 18 of the protests against them.

CAN 18's protests did not state when and where the alleged breaches of the class rules occurred, contrary to rule 61.2(b). Rule 61.2 allows for some protest requirements to be met after a protest is delivered but the identification of the incident, including where and when it occurred, must be completed when the protest is delivered.

CAN 18's protests did not meet all of the requirements of rule 61 and the protest committee should have declared the three protests invalid and closed the hearing. The appeals committee therefore declares CAN 18's protests invalid as permitted by rule 71.2.

Furthermore, when the notice of race and/or the sailing instructions for an event state that the class rules for a class will apply, but do not provide a method to ensure equipment or crew eligibility compliance, competitors cannot rely on the protest committee to interpret their class rules.

OS Appeals Committee:

Ms. Wendy Loat, NJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Robert Stewart, IJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ

24 October 2016