



**Ontario Sailing Appeal #OS2016-06**

**F18 CAN 007 v F18 CAN 18**

**F18 CAN 443 v CAN 18**

**F18 1255 v F18 CAN 18**

F18 1255 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 16 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.*

F18s CAN 007, CAN 443 and 1255 protested F18 CAN 18 alleging that CAN18 had not complied with class rules concerning crew weight. The three protests were delivered on the final day of a three day regatta. The protest committee heard the three protests together. It found that no weighing of competitors had been done prior to racing on the first two days of the regatta. Competitors were then weighed by the class president prior to racing on the final day and CAN 18 was found to be underweight. No racing occurred on the final day. The protest committee dismissed all three protests concluding that CAN 18 had not raced after being found to be underweight.

1255 appealed claiming the protest committee's decision to dismiss the protests was incorrect.

**Decision of the appeals committee**

In considering her appeal, the appeals committee reviewed each of the protest forms submitted by CAN 007, CAN 443 and 1255. In the notification section of CAN 007 and CAN 443's protest forms, the "no" box was checked in answer to the question "Did you inform the protested boat of the protest?" There was no answer to this question on 1255's protest form. Rule 61.1(a) requires a boat intending to protest to inform the other boat at the first reasonable opportunity. CAN 18 was not informed by the other boats of the protests against her.

None of the three protests stated when and where the alleged breach 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. In fact, 1255's protest merely stated "underweight" which does not describe any incident.

None of the three protests against CAN 18 met 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 the three protests against CAN 018 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