

QUESTION 115

Interpretation Requested by the San Diego Yacht Club

Preamble to Part 2

Rule 36, Races Restarted or Resailed

Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty

Rule 60.3(a)(1), Right to Protest; Right to Request Redress or Rule 69 Action

Rule 61.1(a)(4), Protest Requirements: Informing the Protestee

Rule 63.5, Validity of the Protest or Request for Redress

Interpretation of the term “serious” in the phrase “serious damage.”

Question

Is there a special meaning in the racing rules of the term “serious” when it is used in the phrase “serious damage”?

Answer

No. The term “serious” is not defined in *The Racing Rules of Sailing* (RRS). The Terminology section of the Introduction to the RRS states that “other words and terms are used in the sense ordinarily understood in nautical or general use.” One authoritative English dictionary suggests that, when “serious” is used in the phrase “serious damage,” the term means:

important because of possible danger or risk; having potentially undesired consequences; giving cause for concern; of significant degree or amount.

This suggests that when a protest committee has concluded from the facts found that damage occurred in an incident, it must then consider whether any of the four criteria implied by the definition above apply, and if so it should conclude that the damage is “serious.”

Questions to consider may include:

- (1) Did the damage put the safety of the crew at risk?
- (2) Did the damage include a hole in the boat which compromised the integrity of the hull?
- (3) Did the damage adversely impact the boat’s sailing performance in a significant way?
- (4) Will the cost of repairing the damage be a significant amount relative to the market value of the boat?
- (5) Will the value of the boat after repairing the damage be significantly diminished?

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