

QUESTION 125

Interpretation Requested by the American Yacht Club

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

An interpretation of the term “incident” in rule 61.1(a), and when a boat must hail “Protest” and fly a flag (if required) when the incident is not brief.

Assumed Facts

The class rules limit the number of sails boats may carry onboard while racing. Boat X races with more sails onboard than she is permitted to carry.

Question 1

Is there an “incident” associated with this breach? If yes, what was the “incident?”

Answer 1

Yes. An “incident” is an occurrence. See Appeal 90. In this case the “incident” was X racing with more sails onboard than she was permitted to carry.

Question 2

If Boat Y intends to protest X, what does Y need to do, and when, in order to comply with rule 61.1(a)?

Answer 2

Some incidents are brief, such as many incidents involving a breach of a rule of Part 2 or rule 31 (Touching a Mark). In those cases, if a boat intending to protest was involved in or saw the incident in the racing area, the second sentence in rule 61.1(a) requires her to hail “Protest” and display a flag (if required) at the “first reasonable opportunity,” which means the first reasonable opportunity after the incident (see Appeals 82, 122 and 124).

However, some incidents go on for longer periods of time. In these assumed facts, the incident began at the preparatory signal and continued until X was no longer racing. If after the preparatory signal Y saw more sails on board X than X was permitted to carry, then Y saw the incident in the racing area and the second sentence of rule 61.1(a) required Y to hail “Protest” and display a flag (if required) at the first reasonable opportunity, which means the first reasonable opportunity after Y first saw a portion of the incident in which she thought X was breaking a rule.

If Y first became aware of the fact that X was racing with more sails onboard than she was permitted to carry after she was back on shore after racing, then the first sentence in rule 61.1(a) required Y to inform X of her intention to protest at the first reasonable opportunity, which means the first reasonable opportunity after Y was first aware of the incident after she was back on shore.

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