

## MEASUREMENT PROTESTS

### Changes in this version – December 2024

RRS rule number changes to comply with the RRS 2025 – 2028

Minor edits for clarity

### Introduction

This guidance focusses on protests concerning alleged breaches of measurement rules. It does not directly address protests concerning other aspects of class rules, although some of the principles are applicable to such protests.

**Important note:** although a handicapping or rating system (for example, IRC) will cater for boats of different physical classes, or of none, the rules of such a system are also class rules for boats racing under that system (see the definition of rule). Except where stated otherwise, references to class rules in this document include the rules of a handicapping or rating system.

When a boat of a 'class' is racing under a handicapping or rating system, the 'class' rules will usually only apply to the extent that the rating or handicap is calculated on the basis that some or all of the 'class' rules apply (see World Sailing Case 98, question 4). Check the rules of the rating or handicapping system.

### What is a measurement protest?

Measurement rules govern the physical characteristics of a boat, for example: dimensions, weight, construction, placement of fittings, sails and their material, required or prohibited equipment, etc.

A measurement protest is an allegation that a boat does not comply with the measurement rules; it may be an allegation that a measurement declared on a rating certificate is incorrect.

### When is a boat non-compliant with her class certificate?

A boat's certificate is a statement that, when issued, the boat had satisfied the certification process specified by her class rules. In the case of a rating system the certificate will usually state the boat's rating and include critical dimensions and details of required or prohibited equipment.

The possession of an in-date certificate does not guarantee that a boat currently complies with her class rules. She may be non-compliant for many reasons, including wear and tear, repairs, replacement of equipment, new sails, deliberate modification, etc. A certificate may remain valid even though the boat does not comply with class rules.

A boat is non-compliant with her certificate when she fails to comply with

- any class rule governing the physical characteristics of the boat;
- for a rating certificate, declared dimensions or physical characteristics used to calculate her rating regardless of whether these are documented on her certificate. Note that class rules may permit non-compliance that would not improve a boat's rating.

**When is a measurement rule broken?**

A boat breaks a measurement rule when she fails to comply with that rule while racing.

It is not reasonable to assert that a boat has broken a measurement rule while she is ashore, on her mooring or while sailing between the events of a series longer than a regatta. For example, a boat required to carry only one mainsail but which keeps a second mainsail on board doesn't break the rule unless she has the additional sail on board while racing. Many boats race under several handicap/rating systems with a different configuration for each.

A boat also breaks a rule if she fails to comply with pre- or post-race measurement or equipment checks required by the notice of race. These normally exist to ensure that the boat will comply, or did comply, while racing.

A boat that fails a pre-event check should, whenever possible, be given the opportunity to correct her non-compliance before racing begins. If she cannot do so, she is rendered ineligible to race. If she races without correcting the problem, she should be protested under the relevant rule and, subsequently, action under rule 69 may be considered.

A boat that fails a post-race check has usually broken the relevant measurement rule while racing.

**Technical Committee**

A technical committee may be appointed for an event, to be responsible for equipment inspection and event measurement. See rules 89.2(c) and 92. Any person appointed by the organising authority or race committee to carry out equipment inspection or measurement for the event is a member of that committee.

**Who can protest?**

A committee or a competitor may protest if they have reason to believe that a boat does not comply with a measurement rule.

No other person or body may protest. Specifically, a class association, National Authority, etc. have no right to protest a boat.

However, the race committee or protest committee are not normally required to protest: the primary responsibility for protesting lies with the technical committee and the competitors.

The protest must comply with the requirements of rule 60.2. In particular, it must contain specific details of how the protested boat is alleged to be non-compliant with the measurement rules: e.g. a sail, when set, extends beyond the black bands.

### **Action by the Protest Committee**

If a measurement protest is received, there must be a hearing. The protest committee is responsible for deciding the issue; it cannot delegate the decision to another body, for example the class association (see below).

To give competitors a fair opportunity to correct an issue, protests resulting from pre-race checks should, if possible, be heard before racing begins.

As with any other protest, the protest committee must check validity at the start of the hearing; the requirements of rule 60.2 must be met. The protest should be found invalid if the description of the alleged non-compliance is not specific. A general allegation that “the boat does not comply with the class rules” is not sufficient.

Hear all relevant evidence from the parties (see ‘What evidence may be required?’ below). Obtain additional evidence if required. Call expert witnesses if necessary to clarify the meaning of a rule or the effect of a breach, for example a class measurer if there is one present at the event. *Note: this is not the same as referring the matter to the rule authority for a binding interpretation under 63.5(d).*

Provided the protest committee is sure of the meaning of the relevant rule(s), it can decide the protest; there is no requirement to defer to a third party.

However, if, after taking all the available evidence, the protest committee is unsure about the meaning of a rule, it must request a ruling from the rule authority (see rule 63.5(d)). The reply is then binding on the protest committee. The request must restrict itself to a ruling on the meaning of the specific rule(s) concerned; it is not a request for the rule authority to decide the protest. See ‘Who is the Rule Authority’ below.

The protest committee must decide the case; it must do this, even if the decision does not meet with the approval of a technical committee that protested the issue or of the rule authority.

If the decision is that the boat is in breach of a rule, penalize the boat as appropriate. See ‘Action by PC when non-compliance is found’ below.

### **What evidence may be required?**

- The class or other relevant measurement rules themselves and any associated documents.
- An explanation of why the protestor believes the protested boat has broken a rule.
- An explanation of why the protestee believes the boat complies with the rule.

- Measurement of the disputed dimension or requirement. This must be carried out in accordance with class measurement requirements, e.g. specified measurement tolerances, required measurement equipment, etc.
- If the protest committee is unsure of the meaning of the relevant class rule(s), obtain an interpretation from the class rule authority. See ' Action by the Protest Committee' and ' Who is the Rule Authority?'.
- If a deviation from a rule is found, how did it occur? Rule 60.5(d)(1) makes special provision for non-compliance caused by damage or normal wear. See ' Action by PC when non-compliance is found' below.

**Must measurement be done by an authorised measurer?**

Not unless specified in the class rules, but this is strongly recommended, especially if the disputed measurement is close to tolerances or requires special equipment.

**What if measurement evidence (or a class authority ruling) can't be obtained immediately?**

There may be many reasons why measurement evidence can't be obtained immediately: for example, no suitable measurer is available; a large boat may require lifting facilities; specialist measuring equipment may be required, etc.

Adjourn the hearing until the necessary measurement, etc. can be carried out.

If the required evidence cannot be obtained before the next race in the event, the protested boat may be allowed to continue to race, in which case the protest committee should protest her for each race to ensure that any penalties that may eventually be required can be applied to all races affected.

**Who pays for measurement?**

There are often costs associated with measurement, and for large boats these can be substantial. Costs are usually paid by the unsuccessful party to the protest (see rule 65.2). This includes the technical committee (or race committee) if they are the protestor.

The protest committee can decide on a different allocation of costs but, in deciding, it has a duty to be fair to the protested boat.

**What if the protested boat declines measurement?**

The protest committee has the power to require measurement if it is necessary to resolve the case. This must be decided by the protest committee based on the circumstances of the case; no competitor has the right to insist that a boat be measured.

Consider why the boat is declining measurement. If cost is the issue, for example because a large boat requires an expensive lift-out for weighing, checking measurement, etc., rule on who is responsible for the cost.

Making it clear prior to the hearing that the unsuccessful party will bear the cost can help to reassure the protestee and discourage malicious or opportunistic protests.

If measurement evidence is essential to decide the protest and the protested boat continues to refuse measurement, the protest should be dismissed and the matter reported to the class association or rating authority.

If the protest committee considers the refusal may be intended to conceal a known breach of a class rule it should consider acting under rule 69.

### **Action by PC when non-compliance is found**

When non-compliance is found, the penalty is disqualification for all races within the scope of the protest, unless some other penalty is specified in the notice of race, sailing instructions or the class rules. If the protest committee decides that the boat also broke the same rule in earlier races in the same event, the boat may be penalized for all such races. No further protest is necessary. See rule 60.5(d)(3).

However, rule 60.5(d)(1) makes special provisions for cases in which non-compliance is found to have been caused by damage or normal wear. If the performance of the boat is not affected, the boat should not be penalised. The boat must not race again until the non-compliance is rectified unless the protest committee decides this is impractical.

If the competitor could not reasonably have been aware of the non-compliance (for example, if it was caused by factors beyond the competitor's control, such as an error by a measurer or an incorrect calculation by a rating authority), the protest committee should consider World Sailing Case 57 *"When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn."*

If the non-compliance may have been deliberate the protest committee should consider whether rule 2 or rule 69 is applicable.

If the non-compliance may affect the handicap or rating of the boat, the PC may apply to the rating authority for a rating review if permitted by the class rules. This may allow the boat to continue racing with results re-scored when the new rating becomes available.

*Note: re-scoring action may be specified in class rules.*

Except as described above, if a penalised boat competes in subsequent races in the event without correcting the non-compliance, the boat should be protested for each such race and the protest committee should consider action under rule 69.

**What if the boat appeals the protest decision?**

See rule 60.5(d)(4). If the boat states in writing that she intends to appeal the decision, she may continue to race in that event without making changes to the boat. If she gives no written notification, fails to appeal or the appeal is decided against her, she is to be disqualified from any subsequent races in the event in which she races without making the required changes to the boat. No further hearing is required. *Note: a boat cannot appeal the decision of an International Jury.*

**Who is the Rule Authority?**

A request for an interpretation of a class rule under rule 63.5(d) must be submitted to “an authority responsible for interpreting the rule”. This body may be specified in the class rules. Otherwise, it is the class association committee. An interpretation given by the Rule Authority is binding on the protest committee.

Unless the class rules say that a class measurer present at an event is a rule authority for the purposes of rule 63.5(d), evidence given by a class measurer is not binding on the protest committee and should be considered alongside any other evidence.