

Following the Rules : New Arbitration Scheme - Russell Brayshaw



Should a sailor observe another sailor break one of the Racing Rules of Sailing (RRS), then he or she is entitled to protest, whether involved directly in the incident or not, and whether a collision took place or not. The sailor has to shout "Protest" at the earliest opportunity. At this point the "accused" sailor has the opportunity to "plead guilty" and take a penalty 720 degrees turn on the water as soon as practicable (2 x tack and 2 x gybe). The alternative is to take the argument ashore and either have the case heard in a *Protest Hearing* or realise the error and retire from the race after finishing.

The protest hearing is the problem: the protestor has to fill out a protest form; the hearing has to be made up of three independent experts; the hearing would normally take place after sailing when people normally just want to relax and go home. In the four years I have been at Hollowell, I only know of two protests which have taken place in normal club sailing. There have been many more breakages of the rules on the water when nobody has taken penalty turns; in many cases that's because of a lack of knowledge of the rules.

We have introduced a new scheme which can avoid the daunting protest hearing and adopted the RYA Arbitration Scheme. First the sailors involved in the incident have to agree to this process. The sailing committee has agreed a list of members who it feels are qualified to be an

arbitrator and this list should be on the notice board at the club.

The sailors would take the case to the arbitrator who would hear both sides of the story and if possible hear from a witness(es). The arbitrator would decide what the facts are and make a decision, if possible, who is in the wrong. The sailor found guilty would then take a 20% penalty, e.g. if there were 20 boats in the race they would have 4 points added to their race score (i.e. if they had finished 5th on the water they would receive a score of 9).

Some of the benefits of this scheme are that it's a lot less onerous, a lot less formal and much more in keeping with the friendly nature of our club. It can be used as an education for those who do not have a full understanding of the rules without resorting to the bureaucratic, slightly daunting protest hearing that could lead to a disqualification. It is worth noting, however, that arbitration cannot take place when serious damage to a boat, or an injury, has resulted from an incident.

I have seen many rules broken in our club races without anyone doing anything about it. We are supposed to be self-governing on the water in the absence of an umpire or referee; hopefully this system will help bring about greater rules observance.