

Below are the requirements for properly filing a protest.

Summary Guideline Only – Refer to Rules 60 and 61 in the Racing Rules of Sailing

Protest Requirements:

- A boat intending to protest shall inform the other boat at the first reasonable opportunity. When her protest will concern an incident in the racing area that she was involved in or saw, she shall hail “Protest” and conspicuously display a red flag at the first reasonable opportunity for each. *(This is where a lot of people fail to follow the procedure. The hail of “Protest” must be done and “Protest” is the only acceptable hail – not you fouled me, do yours turns or any other language. We had a protest at the J22 Worlds last year at Kingston and the Protest was ruled invalid and dismissed without a hearing as the Protestor kept hailing for the boat to “do your turns” but never hailed “Protest”. “Protest” is one of only two required hails in the Racing Rules. The display of the red flag is the second area where protests are commonly ruled invalid and dismissed. The protest flag should clearly be a flag – a red shirt or red hat will not be accepted as it can be misconstrued as something other than a flag. The flag should be readily at hand for quick and easy deployment. The term “reasonable opportunity” has been interpreted that the flag be ready to deploy. From Sail Canada Case Book – Appeal #88 - The requirement in rule 61.1(a) that a protest flag be flown at the first reasonable opportunity implies that the flag shall be immediately available for display. Stowing the protest flag below decks where it is not readily accessible makes it unlikely that the flag can be displayed at the first reasonable opportunity.)*
- She shall display the flag until she is no longer racing. However,
 - If the other boat is beyond hailing distance, the protesting boat need not hail but she shall inform the other boat at the first reasonable opportunity
 - If the hull length of the protesting boat is below 6 meters, she need not display a red flag
 - If the incident was an error by the other boat in sailing the course, she need not hail or display a red flag but she shall inform the other boat either before or at the first reasonable opportunity after the other boat finishes
 - If as a result of the incident a member of either crew is in danger, or there is injury or serious damage that is obvious to the boat intending to protest, the requirements of this rule do not apply to her, but she will attempt to inform the other boat within the Protest time limit

Protest Contents:

- A protest shall be written and identify *(Protest does not have to be on a Protest Form but it is easier for all involved as it prompts the protestor for the required information)*
 - The protestor and protestee
 - The incident
 - Where and when the incident took place
 - Any rule the protestor believes was broken *(the Jury will decide the appropriate rule(s) during the hearing, if the wrong rule is quoted it will not effect the hearing)* and
 - The name of the protestor's representative
 - However, if requirement (b) has been met, requirement (a) may be met at any time before the hearing, and requirements (d) and (e) may be met before or during the

hearing. Requirement (c) may also be met before or during the hearing provided the Protestee is allowed reasonable time to prepare for the hearing.

From here the protest will go to the Jury for hearing as provided in the Sailing Instructions. At the hearing, the Jury will declare if there is any conflict of interest (Rule 63.4) and the validity of the Protest (Rule 63.5). If there is no conflict, or all parties consent to proceed with the Jury, and the Protest is found to be valid then the hearing will continue. If the Protest is not valid it will be declared so and the hearing will be closed. *(When we have an incident like this where the Protest is invalid we will explain to the parties why the Protest is invalid and if all parties agree that we go to a "teachable moment" which cannot be used to reopen the hearing then we will proceed with a mock hearing to explain to both parties what rules, if any, were broken and what actions should have been taken to avoid the incident)*

The 2 keys are the hail "Protest" and the display of the red flag in a timely manner, there are no substitutes.

Regards

Bob Duggan