

DECISION

Request Number: 11

Reporting of an Incident

Event: 34th YAI Senior Multiclass (Ranking) National Sailing Championship 2019 Race Number:

Hearing Date: 2019-07-06

PARTIES AND WITNESSES

Initiator: Col S S Rawat

Respondent(s): Organizational Authority

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes Report against 49er class event

Proper Hail: Protest hailed

Red Flag Displayed: Yes

DECISION: Request Valid

PROCEDURAL MATTERS

1. The Jury Panel was given a report by the OA to investigate if there is substance to initiate a hearing with regards to the legitimacy of a TNSA 49er entry hereinafter referred to 'the 49er.'

2. The jury had a preliminary meeting before deciding to call the writer of the report, Col SS Rawat to attend an interview.

The report cited the following issues:

- A 49er joining this event was not in the Regatta complex on 2nd July 2019 and that it had not been inspected by the Technical Committee.
- The form is not filled completely with details
- The 49er was unloaded at the regatta complex on 3rd July 2019
- There are no inspection stickers on the 49er.
- The 49er was allowed to race as a single entry which is against the YAI policy of a minimum of 5 boats to qualify for ranking.

From the above, the Asian Yachting Node is requesting that:

- The event for the 49er class be treated as invalid as the class is not meeting the minimum entries for ranking.
- The TNSA 49er be penalised for fraudulently sailing the boat without valid inspection certification
- The Technical Committee be questioned on registering the 49er for the event without fulfilling the requirements and norms as laid out for other boats.

The Jury response:

re a: The OA has the prerogative to allow late entries. SI 20.3 Measurements outside these times may be allowed at the discretion of the technical committee.

re b: Measurement issues are [NP] or non protestable. SI 20.3 Measurements outside these times may be allowed at the discretion of the technical committee.

re c: The OA has the prerogative to allow late entries.

re d: Measurement issues are [NP] or non protestable. A report of this matter may be submitted to the Technical Committee.

re e: SI 1.2 No national prescriptions will apply. Hence, the 'requirements' of the MNA YAI, if relevant, has no effect on this event. The NOR is a contract, viewed by the MNA and given the title of a "Ranking" Regatta and had not specified prescriptions. The OA is bound by this contract to carry out races for the classes stipulated in the NOR, including races for the 49er. Further, it is not the 49er's fault that other 49ers have chosen not to enter the ranking event and neither has she any obligation to ensure that there are a minimum of 5 entries before she can enter the race.

Notes from the SI:

SI 20 [NP] [DP] EQUIPMENT AND MEASUREMENT CHECKS

20.1 All competitors shall present their boats for scrutiny by the technical committee before the start of the event. Boats shall be presented fully rigged.

20.2 Measurements will take place at the boat park of EME Sailing Club.

20.3 Measurements outside these times may be allowed at the discretion of the technical committee.

20.4 A boat or equipment may be inspected at any time for compliance with class rules and sailing instructions. On the water, a boat can be instructed by technical committee to proceed immediately to a designated area for inspection.

re (i) : SI 1.2 No national prescriptions will apply. Hence, the 'requirements' of the MNA YAI (which may be to have a minimum of 5 for ranking) has no effect on this event.

re (ii) : The 49er was allowed to sail as far as the Jury is concerned and no Technical Committee protest had been lodged against the 49er for entering the race without a valid certificate.

re (iii): The 49er was allowed to sail as far as the Jury is concerned and no Technical Committee protest had been lodged against the 49er for entering the race without a valid certificate.

The Jury findings:

The jury finds that nothing in the report requires an escalation to a hearing and the writer submitting the report duly informed.

FACTS FOUND

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

DECISION

No further action needed.

Date & Time: 2019-07-06 19:00 IST

PROTEST COMMITTEE

Chaired By: Leonard Chin (MAS)

Committee Members: Katsumi Shibamura (JPN), Xinzhu Gu (CHN), Satish Kumar Kanwar (IND), Jagdish Singh (IND)

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