

# Jury Policies

Including information to  
Competitors and  
Discretionary Penalty Policy

August 2019

## Section A: Information to Competitors

### 1. Protests by the Jury for Incidents on the Water

- 1.1 The Jury will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of good sportsmanship (RRS 2). Examples of breaches, where the Jury will consider protesting, include:
  - (a) deliberately or knowingly breaking a rule without justification for exoneration and not taking the appropriate penalty;
  - (b) intimidating other boats, often evidenced by unnecessary shouting or foul language;
  - (c) team tactics, sailing to benefit another boat to the detriment of your own position;
  - (d) sailing that results in, or is likely to result in, damage or injury or gaining a significant advantage.

### 2. Outside Help

- 2.1 A boat that receives instructions or transfers sailing gear with a coach or support boat after the preparatory signal breaks RRS 41, even if the transfer starts before the preparatory signal.
- 2.2 When coach and other support boats are prohibited from entering the racing area, a boat not racing that needs to receive help must sail to the coach or support boat outside the racing area.

### 3. Propulsion

- 3.1 The World Sailing RRS 42 Interpretations 2018 are posted at: <http://www.sailing.org/raceofficials/rule42/index.php>
- 3.2 In addition to the World Sailing RRS 42 Interpretations, the following points may help you to understand the application of RRS 42:
  - (a) Although there are usually two judges in each jury boat, a single judge will signal a yellow flag penalty when satisfied that a boat has broken RRS 42.
  - (b) When a boat is penalized for a breach of RRS 42 in a race that is subsequently postponed, recalled or abandoned, the boat may compete in the restarted race. However, every penalty counts in the boat's penalty total.
  - (c) Although judges will signal a RRS 42 penalty as soon as possible, this might be after the boat has crossed the finishing line. In the case of a boat's first penalty, she must complete the penalty, return to the course side of the finishing line and then finish.
- 3.3 A competitor may ask the judges for an explanation of a penalty after the completion of the race. It can be done either on or off the water or by asking at the Jury Office to arrange a meeting with the judges.

### 4. Requests for Redress, Claiming RC Error in Scoring a Boat

- 4.1 Competitors sometimes want to challenge how the race committee has scored them. In that case, they should complete and deliver a scoring enquiry to the race office within the protest time limit. The RC should arrange to share their evidence with the

competitor before responding to the enquiry. If the competitor is not satisfied with the race committee's answer to the scoring enquiry, the competitor is advised to deliver a request for redress as soon as reasonably possible. The scoring enquiry form should be appended to the request for redress.

If an event does not provide the scoring inquiry system, competitors should deliver a request for redress within the protest time limit or as soon as reasonably possible after the results have been published.

- 4.2 In the hearing of such a request for redress, a competitor must provide evidence that the race committee has made an error. Video evidence or the relative positions of two boats scored differently, rarely proves that the race committee has made an error. In finding facts, the protest committee will be governed by weight of evidence. See World Sailing Case 136.

## **5. Requests for Redress – RS:X under B5.62.1(b)**

- 5.1 A board requesting redress under RRS B5.62.1(b)(1) must demonstrate that the capsize was caused by the actions of a board that broke a rule of Part 2 and took the appropriate penalty or was penalized. It is for the requesting board to prove this case to the Jury and competitors should consider whether calling an independent witness to the hearing will assist their case.

## **6. Video and Tracking Evidence**

- 6.1 A party wishing to bring video or tracking evidence to a hearing is responsible for providing the equipment required to view the evidence. Internet connection will not be generally available during a hearing. It should be possible for all parties and the panel to view the evidence at the same time.
- 6.2 Tracking system information, if available, may be presented, but is of limited accuracy. The images produced are enhanced from the actual data as an aid to the viewer. The system may be used to get an indicative position of the boats for visualization, but it is not sufficiently precise to be used for race management purposes or for jury decisions that require exact positioning information.

## **7. Observers at Hearings**

- 7.1 Each party may bring one person to observe at a hearing, unless the jury panel decides in a particular case that it is inappropriate. Observers must sign and comply with the requirements in the document titled Information for Observers.

## **8. RRS 69**

- 8.1 Any form of cheating, including not telling the truth in a hearing is a breach of sportsmanship and may result in a hearing under RRS 69 and a very heavy penalty.

## **9. Questions on Jury Procedure and Policy**

- 9.1 Competitors, team leaders and coaches are welcome to discuss procedure and policy with the Jury Chairman. He will usually be available by the Jury rooms during protest time or can be contacted through the Jury Office.

## **10 Use of electronic devices during hearings**

- 10.1 The use of electronic devices (i.e. tablets, smartphones and similar devices) by parties, observers and witnesses to take notes, check rules, cases, etc. is allowed during the

hearings, provided the device is not used to record or communicate with other persons. Before the start of a hearing a jury member will check that all these devices are in flight mode and with the wifi and Bluetooth turned off.

## Section B: Jury Internal Policies

### 1. Answering Questions

- 1.1 It is always preferable to be with another race official when answering questions. When accompanied by another judge:
- (a) Ashore: judges may answer questions on the application of racing rules that do not involve a protest. However, questions that involve an interpretation of a rule, a sailing instruction or a class rule should be submitted to the jury in writing.
  - (b) Afloat: judges may discuss their rule 42 penalties and medal race calls with competitors. If such a conversation becomes lengthy or heated, ask the competitor(s) to come to the Jury Office to continue the discussion. If possible, talk to the competitor in English.
  - (c) Ashore and afloat: The primary conversation should be between one of the judges and the competitor. The second judge will only observe the discussion, and may help calm down the situation as needed, but not try to explain as this may cause confusion. Avoid conversations with competitors or coaches in private.

### 2. Jury Protests and Observation of Incidents on the Water

*See also: Information to Competitors in Section B*

- 2.1 The Jury usually will not protest for breaches of a rule of Part 2 since the primary obligation to enforce the rules on the water is on the competitors, and the boat does not have a chance to take a voluntary penalty on the water.
- 2.2 Promptly notify the Jury Chairman or Vice-Chairman of any grounds for a jury protest against a boat in order that a decision can be made about whether or not to lodge a protest. The intention to protest must be posted before the protest time limit expires and the protest lodged within this time as well. However, the time limit may be extended if the judge cannot return to shore in time. If the judge is detained afloat, the basic information should be transmitted ashore if possible so the Jury can post the intention to protest
- 2.3 A judge having information that may make him or her a knowledgeable witness in an incident will take notes and avoid a discussion of the incident with any other judge, except to decide if a protest by the Jury is appropriate. A judge who witnesses an incident on the water that goes to a hearing will notify the Jury Secretary of the race number, leg, location, and boats involved.

### 3. Managing Observers

*See also: Information to Competitors in Section B*

- 3.1 In general, the policy is to allow observers in hearings. However, the size and seating arrangement may limit the number of observers invited. In this case, seats will be filled in this order:
- (a) one (1) observer nominated by each party.
  - (b) one (1) media pool representative.
  - (c) any other competitors or their representatives (one per competitor), unless there is insufficient space to accommodate all requesting a seat, in which case, none will be allowed.
  - (d) event technical officials wishing to observe, as space allows.

(e) additional media representatives, as space allows.

3.2 Observers must sign and comply with the requirements in the document titled Information for Observers. The Panel Chairman should remind observers of the 'rules'.

#### 4. Panel Decision Approval and Posting

4.1 The first level of quality control of written panel decisions resides with the Panel Chairman, who should make sure that the facts, conclusions, decision and rules that apply are correct. After the decision is read to the parties, the panel scribe prints the decision. The panel chairman will make a final check and sign it. All decisions will subsequently be reviewed by the Chairman or Vice-Chairman or assigned quality checker.

#### 5. Permission to Withdraw a Protest

5.1 A competitor may request the protest committee to allow withdrawal of a protest or request for redress that this competitor has delivered. Such approval is a protest committee decision (rule 63.1). The protest committee may appoint a member or members to make the decision. If the member is in doubt, the decision may be referred to a full panel. If the panel is in doubt, consult the Jury Chairman or Vice-Chairman.

It is a competitor's decision to protest or request redress, so normally withdrawal should be approved. However, approval should not be given if the judge or panel believe the reason for withdrawing the protest may be to gain an advantage or to manipulate the results, or if the protestor may have been pressured or intimidated into requesting the withdrawal.

#### 6. Redress

6.1 A boat given redress should be scored in a finishing position when there is a high likelihood that the boat would have finished in that position. This is most likely to occur when the incident occurs late in the race or after the boat has finished. In other cases, average points would be appropriate.

6.2 Recommended method for calculating average points:

- (a) Single-Fleet Series Case O1: For redress in any race before the last day of the opening series, award "average points in accordance with rule A10(a) replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the opening series and B is the day before the last scheduled day of the opening series), provided the results from at least four races are included.
- (b) Single-Fleet Series Case O2: For redress in any race on the last day of the opening series, award "average points in accordance with rule A10(a) replacing 'in all races' with 'in all races in the opening series'."
- (c) Split-Fleet Series Case Q1: For redress in any race before the last day of the qualifying series, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the qualifying series and B is the day before the last scheduled day of the qualifying series)", provided the results from at least four races are included.
- (d) Split-Fleet Series Case Q2: For redress in any race on the last day of the qualifying series, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races in the qualifying series'".
- (e) Split-Fleet Series Case F1: For redress in a race in the final series before the last day, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the final series and B is the day before the last scheduled day of the final series) , provided

the results from at least four races are included.

(f) Split-Fleet Series Case F2: For redress in any race on the last day of the final series, award “average points in accordance with rule A10(a) replacing ‘in all races’ with ‘in all races in the final series’.”

- 6.3 In all cases in which average points will be awarded to a boat that has a finishing position, add ‘but no worse than N’ (where N is the boat’s finishing position).
- 6.4 In any redress case, a boat should only be granted redress within the following limit from World Sailing Case 116, Answer 2: “More than half of a boat’s scores are based on her finishing positions in races where she has started”.
- 6.5 Before deciding what an appropriate redress arrangement should be, the panel should, if practicable, consult the Jury Chairman or Vice-Chairman prior to making the decision. Report all redress decisions to the Jury Chairman or Vice-Chairman as soon as possible.

## **7. Redress Affecting the Rest of the Fleet**

- 7.1 Where a panel realizes that the possible outcome of a redress might affect the finishing positions of a large proportion of the fleet, it should consult the Jury Chairman or Vice-Chairman, even if the hearing has been started.



## Section C: Discretionary Penalty Policy for competitors

### 1. General

- 1.1 When the Jury has discretion to decide the appropriate penalty for a breach, the penalties may range from zero points through to DNE. In determining the penalty, the Jury will be guided by this document.
- 1.2 Discretionary Penalties are not just a list of standard penalties. The penalty should be adjusted as justified, while maintaining consistency. The overall concept is to establish a base penalty for a particular breach and then increase or decrease the penalty depending on the circumstances.
- 1.3 Suggested base penalties are listed in the attached two tables. These suggest the base band for common specific breaches and the answers to some general questions to be used when there is no specific breach listed. When a range of penalties is suggested for a specific breach, use the general questions to determine the band for the specific breach.
- 1.4 Penalties are divided into 4 bands with the mid point being the normal base penalty:
  - (a) Band 1 – 0 - 10% (mid point 5%)
  - (b) Band 2 – 10 - 30% (mid point 20%)
  - (c) Band 3 – 30 - 70% (mid point 50%)
  - (d) Band 4 – DSQ / DNE (starting point DSQ)
- 1.5 Start by using the tables below to find which band applies. Consider the 'base penalty' to be at the mid-point of the band. Then determine if there is cause to increase or decrease the penalty within the band or to change the band.
- 1.6 A positive answer to these questions would lead to reducing the penalty.
  - (a) Was the breach accidental?
  - (b) Was there a good reason or justification for the breach?
  - (c) Was the breach reported by the competitor?
  - (d) Did anyone who was not part of the boat's crew or support team contribute to the breach?
- 1.7 A positive answer to these questions would lead to increasing the penalty.
  - (a) Was the breach repeated?
  - (b) Was the breach deliberate as opposed to a misjudgement or carelessness?
  - (c) Was there any attempt to conceal the breach?
  - (d) Was anybody inconvenienced?
- 1.8 The Jury may use other questions to determine if a penalty should be increased or decreased.
- 1.9 To calculate and apply the penalty:
  - (a) The discretionary penalty may not make a boat's score worse than retirement or disqualification.
  - (b) Percentage penalties are calculated to the nearest tenth of a point, (0.05 to be rounded upward).
  - (c) When the breach affected racing performance, it should be applied to all races sailed that day, provided any protest is valid for all races.

- (d) When the breach does not affect racing performance and especially when it is largely administrative, the penalty should be applied to the race sailed nearest in time to that of the incident as specified in RRS 64.1.

1.10 When writing a decision applying a discretionary penalty, include the following statements:

- (a) Using the DP Guide a starting penalty of xx% was decided
- (b) The penalty was decreased because.....or There were no circumstances to justify decreasing the penalty.
- (c) The penalty was increased because..... or There were no circumstances to justify increasing the penalty.
- (d) The penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

## 2. Base Penalty Bands for Discretionary Penalties

2.1 Generally the base penalty will be the mid-point of the band.

2.2 If the specific breach is not listed or a range of bands is suggested, go to second table.

2.3 Be sure that a discretionary penalty is authorised for the specific breach.

<b>Safety</b>	
• Failing to notify the Race Office when staying ashore	1
• Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit or failing to sign out or to sign in.	1
• When non-compliance results in initiation of search and rescue	4
• Berthing – Boat not in assigned place but has notified the OA	1
• Berthing – Boat failing to promptly notify the OA	2
• Failing to avoid commercial traffic	1-4
• Removal of pfd for more extended period while not racing	1-2
<b>Code of Conduct</b>	
• Failing to comply with a reasonable request by an official	2-4
• Failing to follow instructions, failing to take proper care of, or interfering with the function of supplied equipment	1-4
<b>Leaving the Shore</b>	
• Failing to comply with an instruction to remain ashore (e.g. AP over H, D flag)	1-4
<b>The Start</b>	
• Failing to avoid the starting area not interfering with a racing boat	1
• Failing to avoid the starting area and breaking RRS 24.1.	4
<b>Equipment Inspection</b>	
• Failing to comply with instructions – good reason or justification	1
• Failing to comply with instructions – no good reason or justification	3
<b>Replacement of Crew or Equipment</b>	
• Failing to comply with instructions – good reason or justification	1
• Failing to comply with instructions – no good reason or justification	3
• Replacing crew or equipment with non-compliant crew or equipment	4
<b>Identification and Advertising</b>	
• Failing to apply event stickers as required (e.g. advertising, bow numbers, sail dots etc.).	2-4
• Applied event stickers, but they failed to stay in place (0% if applied by OA)	1
• Failing to wear bib as required	1-2
• National Flag not applied	1
• National Flag applied but fails to stay in place	1
• National Flag applied but is not produced by an approved manufacturer as required by the Class Rules	1
<b>Radio Communication</b>	
• Making or receiving radio or text or cell phone message not available to all boats	3
<b>Trash Disposal</b>	
• Deliberate trash disposal	4

<b>Positioning Equipment</b>	
• Failing to collect or return equipment as required or sign out/sign in	1
• Failing to install or comply with installation instructions	3
• If equipment was installed but its function is interfered with	4
<b>Class Rules</b>	
• Sail numbers and country codes	1
• Sail stops missing or out of place	2
• Sail set outside bands	3
• Modification of manufacturer supplied and controlled equipment	3
• Prohibited fairing or refinishing of hull/foil surfaces	4
• Use of equipment not registered (but certified)	3
• Safety equipment missing or inadequate	1-4
• Use of prohibited GPS or other electronics	4
• Use of uncertified equipment	4
• Missing or misplaced correctors	4
• <b>Equipment outside measurement tolerances (excluding wear and tear)</b>	
○ No possible effect on boat speed	1
○ Possible but not significant effect on performance	2
○ Any significant effect on performance	4

### 3. General Questions

3.1 To be used when there is no specific breach in the table above, or when the table above suggests more than one band.

<b>Could the breach compromise safety?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Can the boat prove it has not obtained a competitive advantage?</b>	
Yes, no advantage is possible.	1
No, possible advantage but not certain.	2 - 3
No, certain advantage	4
<b>Could the breach bring the sport into disrepute?</b> <i>(Note: if the Jury considers that the sport may have been brought into disrepute, it should consider action under RRS 69, especially if no other rule is available.)</i>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Could the breach result in damage or injury?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4

## **Section D: Discretionary Penalty Policy for Support Persons & Boats**

### **1. General**

When a protest committee decides in a hearing that a support person has broken a rule or as required by local regulations, RRS 64.4 provides for penalties to the support person and penalties to a boat in specific instances. Discretionary Penalties are not just a list of standard penalties. The penalty should be adjusted as justified, while maintaining consistency. The overall concept is to establish a base penalty for a particular breach and then increase or decrease the penalty depending on the circumstances. In case of Misconduct, the penalty to support persons and boats will be determined according to RRS 69.

### **2. Discretionary Penalties to Support Person**

#### **2.1 Penalties are divided into 5 levels as follows:**

- Level 1: Warning
- Level 2: Exclude the person from going afloat for one race or more
- Level 3: Exclude the person from going afloat for one day or more
- Level 4: Exclude the person from the venue for one day or more
- Level 5: Exclude the person from the venue for the rest of the event and/or take other action within the protest committee's jurisdiction as provided by the rules, including charging the support person with misconduct under rule 69

## 2.2 Base Penalty for Discretionary Penalties

Safety	Level
<ul style="list-style-type: none"> <li>• Failing to carry on board all safety equipment</li> <li>• Failing to comply after support person has been notified</li> <li>• Failing to carry on board enough life jackets for all persons on board</li> </ul>	<p style="text-align: center;">2-4</p> <p style="text-align: center;">4-5</p> <p style="text-align: center;">3-5</p>
<ul style="list-style-type: none"> <li>• Failing to wear life jacket or allowing passenger not to wear life jacket while afloat, for the first time</li> <li>• Failing to comply after first warning</li> </ul>	<p style="text-align: center;">1-3</p> <p style="text-align: center;">3-4</p>
<ul style="list-style-type: none"> <li>• Failing to wear kill cord while afloat, for the first time</li> <li>• Failing to comply after first warning</li> </ul>	<p style="text-align: center;">1-3</p> <p style="text-align: center;">3-5</p>
<ul style="list-style-type: none"> <li>• Failing to have adequate insurance</li> </ul>	<p style="text-align: center;">3-5</p>
<ul style="list-style-type: none"> <li>• The designated driver does not have a motorboat driving license</li> </ul>	<p style="text-align: center;">3-5</p>
<ul style="list-style-type: none"> <li>• Carrying unaccredited personnel on board</li> </ul>	<p style="text-align: center;">2-4</p>
<ul style="list-style-type: none"> <li>• Leaving any device, piece of equipment, buoy, marker or similar items permanently in the water</li> </ul>	<p style="text-align: center;">3-5</p>
<ul style="list-style-type: none"> <li>• Failing to display MNA identification on boat engine, or hull</li> </ul>	<p style="text-align: center;">2-4</p>
<ul style="list-style-type: none"> <li>• Failing to comply with local harbour regulations, including speed limits</li> <li>• Committing any inappropriate behaviour, dangerous actions or improper practices, or actions affecting the fairness or safety of competition</li> </ul>	<p style="text-align: center;">1-5</p> <p style="text-align: center;">3-5</p>

<b>SAILING VENUE &amp; RESTRICTED AREAS</b>	<b>Level</b>
<ul style="list-style-type: none"> <li>• Failing to use designated area for launching or returning ashore. Parking or leaving trailer in a prohibited area</li> </ul>	1-2
<ul style="list-style-type: none"> <li>• Having an unregistered support boat in the sailing venue</li> </ul>	3-5
<ul style="list-style-type: none"> <li>• Failing to stay outside the restricted area, or failing to stay inside the designated areas</li> </ul>	3
<ul style="list-style-type: none"> <li>• Interfering with boats that are racing</li> </ul>	3-5
<ul style="list-style-type: none"> <li>• Failing to minimise wash near boats that are racing</li> </ul>	1-3
<ul style="list-style-type: none"> <li>• Intentionally putting trash in the water</li> </ul>	3-5
<b>ELECTRONICS &amp; COMMUNICATION</b>	
<ul style="list-style-type: none"> <li>• Unauthorized use of VHF radio, tablets, mobile phones or other communication devices</li> </ul>	2-5
<ul style="list-style-type: none"> <li>• Improper communication over VHF (Interfering with RC)</li> </ul>	1-2
<ul style="list-style-type: none"> <li>• Profane or Abusive language (to RC, TC, OA, Protest committee or others support person)</li> </ul>	1-5
<ul style="list-style-type: none"> <li>• Operating drone without authorization</li> </ul>	2-5
<ul style="list-style-type: none"> <li>• Technical Doping: the use of unethical, methods, technologies, etc. to enhance performance, including information (i.e. meteorology), hardware (i.e. boats) and competitors</li> </ul>	2-5
<b>OTHERS</b>	
<ul style="list-style-type: none"> <li>• Failing to comply with any other instructions</li> </ul>	1-4
<ul style="list-style-type: none"> <li>• Failing to comply with a reasonable request from a race official</li> </ul>	1-5

### 3. Discretionary Penalties to a Boat

3.1 The protest committee may also penalize a boat that is a party to a hearing under rule 60.3(d) or 69 for the breach of a rule by a support person by changing the boat's score in a single race, up to and including DSQ. In determining the penalty, the protest committee will be guided by this document.

3.2 Penalties are divided into 4 bands with the mid-point being the normal base penalty:

- (a) Band 1 – 0 - 10% (mid-point 5%)
- (b) Band 2 – 10 - 30% (mid-point 20%)
- (c) Band 3 – 30 - 70% (mid-point 50%)
- (d) Band 4 – DSQ

3.3 Start by using the questions in tables below to find which band applies. The protest committee may use other questions to determine if a penalty should be increased or decrease. Consider the 'base penalty' to be at the mid-point of the band.

<b>Could the boat have obtained a competitive advantage?</b>	Band
No advantage is possible	1
Possible advantage	2-3
Yes, certain advantage	4
<b>The support person committed a further breach after the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed.</b>	
<b>Could the breach result in damage or injury?</b>	
No	1
Possible but not certainly	2-3
Yes	4
<b>Could the breach compromise safety?</b>	
No	1
Possible but not certainly	2-3
Yes	4
<b>Could the breach bring the sport into disrepute?</b>	
No	1
Possible but not certainly	2-3
Yes	4

To calculate and apply the penalty:

- (a) The discretionary penalty may not make a boat's score worse than retirement or disqualification.
- (b) Percentage penalties are calculated to the nearest tenth of a point, (0.05 to be rounded upward).
- (c) When the breach affected competitive advantage, it should be applied to all races affected.
- (d) When the breach does not affect competitive advantage, the penalty should be applied to the race sailed nearest in time to that of the incident as specified in



## RRS 64.1.

- 3.4 The protest committee has discretion to decide the appropriate penalty for a breach, from issuing a warning to excluding the person from the event or removing any privileges or benefits, or taking other action within its jurisdiction as provided by the rules.

The answers to the questions below determine if there is cause to increase or decrease the penalty.

A positive answer to these questions would lead to reducing the penalty.

- (a) Was the breach accidental or could not be avoided?
- (b) Was there a good reason or justification for the breach?
- (c) Did anyone who was not part of the support team contribute to the breach?
- (d) Did the support persons admit to the breach and contribute in the investigation?

A positive answer to these questions would lead to increasing the penalty.

- (a) Was the breach deliberate as opposed to a misjudgement or carelessness?
- (b) Was there any attempt to conceal the breach?
- (c) Was anybody inconvenienced?
- (d) Did the support person commit a further breach?

The protest committee may use other questions to determine if a penalty should be increased or decreased.

## 4. Writing up the decision

When writing a decision applying a discretionary penalty, include the following statements:

- (a) Using the DP Guide a starting penalty of xx% was decided
- (b) The penalty was decreased because.....or There were no circumstances to justify decreasing the penalty.
- (c) The penalty was increased because..... or There were no circumstances to justify increasing the penalty.
- (d) For a boat, the penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

Ariadne House, Town  
Quay Southampton, SO14  
2AQ United Kingdom

Tel: + 44 (0)23 80 635111

Fax: + 44 (0)23 80 635789

[www.sailing.org](http://www.sailing.org)

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