

## Discretionary Penalties

When the Protest Committee has discretion to decide the appropriate penalty for a breach (see SI 13.5), the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties.

Penalties are divided into 5 bands:

- Band 0 – zero penalty
- Band 1 – 5%
- Band 2 – 20%
- Band 3 – 50%
- Band 4 – DSQ/DNE

Start by using the chart to find which band applies. Then work through the following questions: Questions to be considered when deciding the appropriate initial penalty within the band include:

- 1(a) Did the breach compromise the safety of competitors or race organizers?
- 1(b) Did the boat gain a competitive advantage through her breach?
- 1(c) Could the breach bring the sport or the organization into disrepute?
- 1(d) Did the breach result in damage or injury?
- 1(e) Was anybody inconvenienced?

The following questions are then asked to determine if there is cause to increase or decrease the band or to maximise or minimise the penalty within the band.

- 2(a) Was the breach deliberate? Increase band at least one level – and consider RRS 2.
- 2(b) Was there a good reason or justification for the breach? Consider Band 0 if good reason.
- 2(c) Was there any attempt to conceal the breach? Increase band at least one level – and consider RRS 2.
- 2(d) Was the breach a careless or cavalier disregard of the rules? Increase to top of band or one level.
- 2(e) Has the breach been repeated? Consider increasing the penalty one band.
- 2(f) Was the breach reported by the competitor? May justify going to bottom of band or one band lower.

The following principles are then used to apply the penalty.

- Using the questions in 1(a) to (e) in conjunction with the guidance in the table following, determine the appropriate 'starting' penalty band and mid-point.
- Using the questions in 2(a) to (f), decide if mid-point is appropriate or if the penalty should be increased or decreased. A change to a higher or lower band should only be done in exceptional circumstances.
- Any penalty must exceed any likely gain.
- A discretionary penalty would not normally make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and then are rounded up or down to a whole number of points.
- When a breach affects more than one race in a day but it is appropriate to penalise in one race only, the penalty should be applied to either the first race of the day or to the race nearest the incident.

If competitors realise they have broken a rule that is subject to discretionary penalties, they should report to the Jury where they will be asked to complete a form describing the breach. The Protest Committee will then propose a penalty that a boat may accept without a hearing.

The following penalties are suggested as guidance as the starting point for assessing any penalty before considering questions 1(a) to (e) and 2(a) to (f).

<b>SI 4.3 &amp; 15.3</b>	<b>SAFETY REGULATIONS – Personal Flotation devices</b>	
	Failing to comply with requirements while racing	4
<b>SI 15</b>	<b>SAFETY REGULATIONS</b>	
15.2	Failure to notify the Race Office when staying ashore	1
15.1	Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit)	1
	When non-compliance results in initiation of search & rescue	4
<b>SI 11</b>	<b>PENALTY ACKNOWLEDGEMENT</b>	
	Failure to comply with requirements	1
<b>SI...</b>	<b>AVOIDING OTHERS ..</b>	
7.3, 9.3, 10.2	Failing to avoid the racing area, not interfering with a racing board	1
9.3	Failing to avoid the starting area, affecting a racing board	4
10.2	Failing to clear the finishing line, affecting a racing board	4
<b>SI 16</b>	<b>EQUIPMENT AND MEASUREMENT CHECKS</b>	
16.1	Failing to comply with instructions – no valid reason	3
<b>SI 16</b>	<b>REPLACEMENT OF CREW OR EQUIPMENT</b>	
16.2	Failing to make prompt request of replacement	1
	Failing to comply with requirements for replacement	3
<b>SI ...</b>	<b>IDENTIFICATION AND ADVERTISING WHILE RACING</b>	
1.5	Lost or stolen lycra; sticker not adhered	1
	Cut, trimmed or altered	2
1.6	Failure to comply	2
<b>SI 19</b>	<b>TRASH DISPOSAL</b>	
	Accidental	0
	Careless	1
	Deliberate	4
	<b>CLASS RULES</b>	
	Sail numbers and country codes	1
	Modification of manufacturer supplied and controlled equipment	3
	Use of equipment not registered (but certified)	3
	Use of prohibited GPS or other electronics	4