

## Discretionary Penalties

When the International Jury has discretion to decide the appropriate penalty for a breach (see SI 26.6), 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 – 0 -10% (mid point 5%)
- Band 2 – 10-30% (mid point 20%)
- Band 3 – 30-70 (mid point 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 Jury 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 1</b>  | <b>RULES</b>   | <b>BAND</b> |
|--------------|--|-------------|
| 1.5., 1.6.   | Failing to install or comply with installation instructions  | 3           |
| 1.6.         | If equipment was installed but its functionality is interfered with  | 4           |
| <b>SI 4</b>  | <b>SIGNALS MADE ASHORE</b>   |             |
| 4.3.         | Going afloat when Flag is NOT displayed  | 2           |
| <b>SI 8</b>  | <b>RACING AREA</b>   |             |
| 8.3.         | Failing to avoid the racing area not interfering with a racing boat  | 1           |
| 8.3.         | Failing to avoid the racing area affecting a racing boat   | 4           |
| <b>SI 15</b> | <b>PROTEST AND REQUESTS FOR REDRESS</b>  | 1           |
| 15.3., 15.4. | 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           |
| <b>SI 18</b> | <b>SAFETY REGULATIONS</b>  |             |
|              | Failing to wear pfd while briefly changing or adjusting clothing or personal equipment   | 0           |
|              | Otherwise  | 4           |
| <b>SI 19</b> | <b>REPLACEMENT OF EQUIPMENT</b>  |             |
|              | Failing to make prompt request of replacement  | 1           |
|              | Failing to comply with requirements for replacement  | 2           |
| <b>SI 20</b> | <b>EQUIPMENT CHANGES AND MEASUREMENT CHECKS</b>  |             |
|              | Failing to comply with instructions – valid reason   | 1           |
|              | Failing to comply with instructions – no valid reason  | 2           |
| <b>SI 21</b> | <b>IDENTIFICATION</b>  |             |
| 21.1.        | failing to comply with SI  | 1           |
| <b>SI 24</b> | <b>TRASH DISPOSAL</b>  |             |
|              | Careless   | 1           |
|              | Deliberate   | 4           |
|              | <b>CLASS RULES</b>   |             |
|              | Modification of manufacturer supplied and controlled equipment   | 3           |
|              | Use of equipment not registered  | 3           |

**JURY Chairman:**