

YACHTING NEW ZEALAND APPEAL 75

A request for an interpretation of the rules by the Vauxhall Yacht Club, pursuant to RRS 70.4

The Vauxhall Yacht Club have asked - "What are the requirements in the Rules for the display of the class insignia, national letters and numbers on the sails of a Sunburst?"

In more specific terms, they ask whether the Sunburst Class is required to comply with RRS 77, Appendix G 1.3(a) and G 1.3(b) regarding the sail numbers on the mainsail and spinnaker?

This question raises a number of important issues regarding the measurement of all national classes in New Zealand.

The Relevant Rules

RRS 77 applies to all boats in events where the Racing Rules of Sailing apply, unless that Rule has been changed in a manner permitted by RRS 85 and 86.

RRS 77 provides that: *"A boat shall comply with the requirements of Appendix G governing class insignia, national letters and numbers on sails"*.

Appendix G makes a distinction between boats of a World Sailing Class and "other boats". Appendix G2 applies to the "other boats". Sunbursts come under that category as they are not a World Sailing class.

Appendix G2 provides that *"Other boats shall comply with the rules of their national authority or class association in regard to the allotment, carrying and size of insignia, letters and numbers. Such rules shall, when practicable, conform to the above requirements [ie Appendix G1]"*.

The last sentence in Appendix G2 is significant. World Sailing has a policy that there should be uniformity amongst different classes as to how boats are identified. Appendix G2 creates a requirement that the rules of both national authorities and classes conform with Appendix G1 unless there is a practical reason not to do so.

In this case, the rules of the national authority are the YNZ Prescriptions for RRS 77. These prescribe that:

"Where class rules are silent, boats, other than World Sailing International Class boats complying fully with Appendix G, shall comply with Appendix G except they shall not be required to comply with Appendix G1.1(b)".

Appendix G1.1(b) refers to national letters, so it follows that these are not required on Sunburst sails.

In regard to the class insignia and sail numbers, The Vauxhall Yacht Club's question comes down to the issue: "Where are the class rules silent?"

What are the Class Rules relating to the class insignia and sail number?

The first step in determining the issue, "where are the class rules silent", is to identify precisely what are the "class rules" for Sunbursts, in terms of the YNZ prescription?

When the Prescription was first written, there was a requirement that class rules of national classes be approved by Yachting New Zealand. That made it relatively easy for class rules to be identified. In June 2014, Yachting New Zealand's regulations were amended so that approval is no longer required. A number of different documents are often used for measuring purposes. It is now necessary to interpret which of those documents, or parts of those documents, are class rules, and which are not.

Class rules have certain attributes. A class rule governs an event and must be complied with by competitors and officials (see for example RRS 78 and 84). A class rule must also be specific. Under the Equipment Rules of Sailing, a class rule “specifies” the boat, its crew and equipment (see ERS C.2.1). It follows that a class rule cannot be indicative or simply a guide. Class rules may provide tolerances or processes to determine compliance, but these must be specified rather than just suggested. If a rule needs to be complied with, one must be able to ascertain when it is being followed and when it is not.

The Sunburst’s current class rules are contained in the current version of the plans, titled “SS V3 October 2013”, and a document titled “Sunburst Class Restrictions & Measurer’s Sheet For Registration (Supplementary to the Plans) as at November 2015” (which shall be referred to as the “Restrictions”).

The Restrictions state that a boat must conform to the Plans, and Class Restrictions. However, the only specific reference to the class insignia and sail number in these class rules is in paragraph 36 of the Restrictions, which state: *“The registration number shall be displayed both sides of the mainsail and on the leading face of the spinnaker”*.

The Class Association refers to a diagram, titled “Sail & Rigging Diagram”, which shows a sail number positioned near the leech on the starboard side of the mainsail, between the third and fourth batten pockets. The Class Association advised that the diagram is from the last set of plans that had a rig plan in it.

This diagram does not contain any “class rule” for the purposes of Appendix G2 or the YNZ Prescription. Firstly, it is not current. The specifications for the sail and rigging are now in the Restrictions. Secondly, it is evident that the requirement that “a boat must conform to the Plans”, was never intended to apply to the diagram because it contains things that are clearly not intended to be compulsory, such as a pennant with a Sunburst Insignia and sail numbers written horizontally. Thirdly, and most significantly, although the plan shows a sail number on a mainsail, it does not actually create any rule regarding the specifications of sail numbers. Should the number be displayed in the exact place illustrated in the diagram (although no measurements are given)? Should it be displayed close to that place or can it be positioned anywhere on the sail? As nothing is specified, there is nothing to comply with or conform to. No one can ascertain when the numbers are written correctly and when they are not.

Where are the Class Rules silent regarding the display of the class insignia and sail numbers?

The words in the Prescription: “where class rules are silent” refer to each individual requirement or specification. So, for each relevant specification in Appendix G1 – whether it be the typeface, size or position of the sail numbers, - one looks to see if the class rules regulate the situation. If they don’t, the Prescription provides that Appendix G1 must be followed.

The Prescription needs to be interpreted that way because of its context and also for practicality. Unless each specification is covered by either a class rule or Appendix G, it will be open for each individual boat to display sail numbers and insignia in any manner they want, in any position on the sail, in any size and in any script. That would defeat the need to make each boat readily identifiable.

As mentioned above, the only reference to the class insignia and sail number in the class rules is in paragraph 36 of the Restrictions, which states: *“The registration number shall be displayed both sides of the mainsail and on the leading face of the spinnaker”*. This is consistent with the requirements in Appendix G1.

It is evident, then, that every relevant specification in Appendix G1 is either consistent with the class rules or is a specification that the class rules are silent upon. The requirements in Appendix G1 therefore apply to Sunburst sails, other than that national letters are not required.

What are the requirements for the display of sail numbers on the mainsail?

Pursuant to Appendix G1, Arabic numerals shall be used which are clearly legible and of the same colour. They shall be in a commercially available typeface giving the same or better legibility than Helvetica. The numerals shall have a minimum height of 300 mm and the minimum space between numerals and from the edge of the sail shall be 60 mm.

Sail numbers shall be positioned wholly above an arc whose centre is the head point and whose radius is 60% of the leech length, which is a radius of 2925 mm. They shall be placed at different heights on the two sides of the sail, those on the starboard side being uppermost.

Appendix G1.3(a) provides that the requirements in the previous paragraph shall not apply if they are not possible. There is no reason why those requirements are not possible in the case of Sunbursts.

What are the requirements for national letters?

National letters are not required, as mentioned above. Consequently, Sunbursts are not required to comply with Appendix G1.3(b) which provides that class insignia shall be placed above national letters.

What are the requirements for the Class Insignia?

The class insignia shall be placed above the sail number on the mainsail. As the class insignia is of such a design that two of them coincide when placed back to back on both sides of the sail, they may be so placed.

What are the requirements for the Spinnaker?

The specifications of the numerals of the sail number on the spinnaker are the same as those on the mainsail.

The sail number shall be displayed on the front side of a spinnaker. They shall be displayed wholly below an arc whose centre is the head point and whose radius is 40% of the foot median and, if possible, wholly above an arc whose radius is 60% of the foot median. That means that the numbers shall be below a radius of 1616 mm and above a radius of 2424 mm from the head point of the spinnaker.

The Position of the Sunburst Class Association

The Sunburst Class Association has not raised any argument that contradicts the Appeal Panel's interpretation of the Rules. Understandably, their concern is a practical one, given that most Sunbursts do not comply with Appendix G.

The Class Association advise that they created a policy whereby in Sunburst regattas, the Notice of Race and Sailing Instructions shall change Rule 77 so it shall be mandatory for the sail numbers on mainsails to be positioned "below the 2nd batten from the head and above the bottom batten".

The difficulty with that policy is that if boats are going to comply with the Rules, then they will need to change the positions of their sail numbers between the times they sail in a Sunburst regatta and sail in a race which is not part of a Sunburst regatta. The reality is that boats will simply not comply with the Rules.

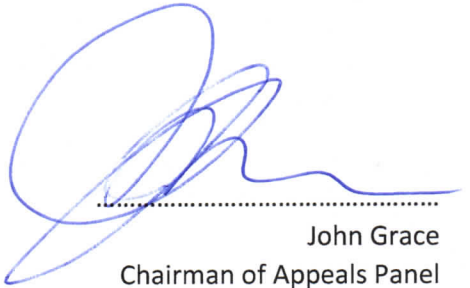
It should also be noted that Appendix G2 requires that the Sunburst's class rules shall, when practical, conform with the requirements of Appendix G1. The class rules cannot change RRS 77 or Appendix G.

It is the Appeal Panel's intention to make a number of recommendations to both Yachting New Zealand and the Sunburst Association. As that is not one of the Appeal Panel's functions under RRS 70, such recommendations will be made in a separate memorandum.

In the meantime, it can be noted that one practical way of changing the Rules would be to include a “grandfather clause” in which sails made or measured before a certain date will be exempt from requirements as long as the numbers are clearly legible.

Appeals Panel

John Grace IJ (chair)
Aaron Duncan IM
Jim Park NJ, NU,
Graeme Robinson IM, NJ
John Rountree IJ, IU



John Grace
Chairman of Appeals Panel

22 November 2018