



Ontario Sailing Appeal 2005-02
Byte 2079 vs Byte 2325 – July 14, 2005
Byte 2325 is appealing a decision of the protest committee at the LSSA Regatta at
Ashbridges Bay Yacht Club on July 3, 2005

Rule 42.2(c) – Propulsion, prohibited actions (ooching)

Summary of the facts:

On an upwind leg of the course, Byte 2325 was propelled upwind by full upper torso repeated action.

The protestor and her witness considered that body movement to be ooching.

Decision of the Protest Committee:

Byte 2325 broke rule 42.2(c) and was disqualified.

Decision of the Appeals Committee:

Appeal dismissed. The protest committee properly disqualified Byte 2325. Rule 70.1 allows a party to a hearing to appeal a protest committee's decision or its procedures, but not the facts found. The protest committee found as a fact that Byte 2325 was propelled upwind on an upwind leg. Rule 42.1 requires boats to compete only using the wind and water to increase, maintain or decrease her speed. Crew may adjust the trim of sails and hull, and perform other acts of seamanship, but shall not otherwise move their bodies to propel the boat. Byte 2325 believed that her body movement was permitted under ISAF's Interpretations of Rule 42.2(c), namely OUCH 1. Rule 42.2(c) specifically prohibits ooching without limiting the application of rule 42.1. ISAF Interpretation of Rule 42.1, BASIC 4 prohibits any action of the body that propels the boat. Byte 2325 also expressed concern that proper procedure was not followed by the protest committee (that evidence was given in the absence of the parties), based on comments made after the conclusion of the hearing. The appeals committee received a submission from the protest committee that stated that the comments of the protest committee were general in nature and did not refer specifically to any boat. The appeals committee finds that no evidence was given in the absence of the parties, therefore proper procedure was followed in the hearing of this protest.