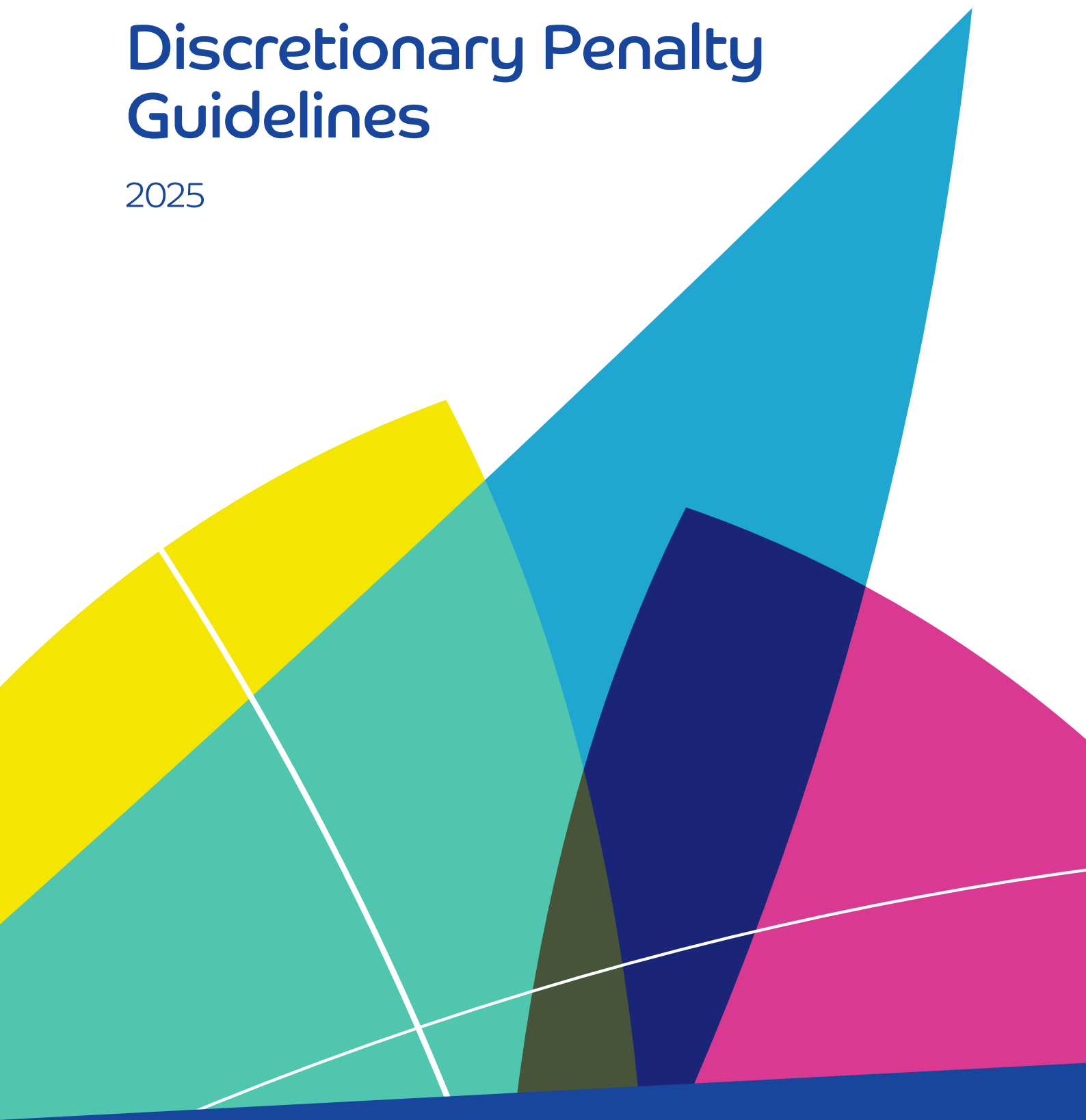


# Discretionary Penalty Guidelines

2025



## FOREWORD

This version of Discretionary Penalty Guidelines is new as of 2025; previously, it was part of a different document that included guidance and information for judges, competitors, and support persons. However, the increasing number of rules and event documents that allow for penalties other than disqualification, and consequently the increasing numbers of situations where discretionary penalties might apply, have made clear that this guidance needs to stand on its own.

These guidelines are the result of thoughtful contributions over several years from judges and rules experts at events around the world. Although it originally began as a list being used at certain high-level regattas, it has subsequently grown into a more unified and focused set of guidelines that are now being applied at a much broader field of events worldwide.

The primary goals of this document are to increase 1) the consistency, 2) the transparency, and 3) the understanding of the application of discretionary penalties. It is not, however, a substitute for the thoughtful questioning and gathering of evidence by judges empowered to apply discretionary penalties.

Like other documents that help support the application of racing rules and the processes of adjudication in sailing, these guidelines continue to grow and change as the sport and its rules and best practices continue to evolve. Accordingly, the World Sailing International Judges Subcommittee welcomes thoughtful comments and suggestions for improvements; please email them to [raceofficials@sailing.org](mailto:raceofficials@sailing.org)

We hope you find this document helpful, and we look forward to your contributions to improving it.

Andrus Poksi, Chair, International Judges Sub-committee

## INTRODUCTION

This document is a guide for the judges and hearing panels of protest committees and international juries. It is designed to help them to smoothly and efficiently handle many of the issues they might encounter when considering the application of discretionary penalties.

Throughout this document the term 'protest committee' implies a judge, a hearing panel of a protest committee, or a hearing panel of an international jury that is considering a discretionary penalty.

Furthermore, following *The Racing Rules of Sailing 2025-2028*, this document uses the words 'chair' and 'vice chair' to identify the leaders of a committee, regardless of gender.

We recommend that protest committees follow these guidelines, but they are not required to do so, unless the chief judge at an event deems it appropriate.

The guidelines have been drafted to accommodate as wide a variety of events and circumstances as reasonable.

However, discretionary penalties are not just a list of standard penalties. A discretionary penalty should be adjusted as justified, while maintaining as much consistency as reasonable. The overall concept is to establish a base penalty for a particular breach and then decrease or increase the penalty depending on the circumstances.

Several tables in this document suggest base penalties for specific breaches or categories of breaches of rules. These tables identify the base band for common specific breaches.

However, when a specific breach being considered is not listed, other tables in these guidelines provide general questions and associated answers to be used to determine a base penalty in such cases.

When a range of penalties is suggested for any breach, use the general questions to determine the base band for the penalty.

Protest committees should evaluate whether to decrease or increase the penalty from the base band. These guidelines provide a set of questions and answers to consider in that evaluation. However, these questions and answers cannot be universally comprehensive, so protest committees may need to pursue other lines of inquiry relevant to the specific breach before deciding to decrease or increase the penalty from the base band.

Finally, when delivering the conclusions, decisions, and communications that involve a discretionary penalty to parties, scorers, and organizing authorities, protest committees should work to make those communications as clear as possible. There is no substitute for good writing and the good thinking behind it, and we encourage protest committees to write their own cases. In that spirit, we have also provided some guidelines that may serve as starting points for writing clearer conclusions, decisions, and communications to parties, scorers, and organizing authorities.

## General

After finding the relevant facts and concluding that a rule subject to a discretionary penalty has been broken, a protest committee will begin the process of deciding and applying the appropriate penalty.

When no support person was involved, the penalties may range from zero points through DNE. In determining the penalty, the protest committee will be guided by this document.

## Penalty Bands

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

<i>Band</i>	<i>Lower limit</i>	<i>Upper limit</i>	<i>Starting point / mid-point</i>
1	0%	10%	5%
2	10%	30%	20%
3	30%	70%	50%
4	DSQ	DNE	DSQ

Start by using the tables that follow to find which band applies. Consider the base penalty to be at the mid-point of the band.

The table Base Penalty Bands for Specific Breaches lists a wide variety of common breaches and circumstances. Check it to see if it includes the specific breach being considered.

If it does not, the table General Questions and Base Penalty Bands for Other Breaches provides guidance for selecting an appropriate band.

In both tables, there are some situations that suggest the base penalty is in a range of bands. In such cases, a protest committee can use the General Questions, the questions in Considerations for Decreasing or Increasing the Penalty Within a Band or Across Bands, and other questions it deems appropriate to determine the base penalty.

Once that starting point has been determined, the protest committee can use those questions (and others) to decide whether to decrease or increase the penalty within the band.

## Base Penalty Bands for Specific Breaches

Be sure that a discretionary penalty is authorized for the specific breach being considered. If the specific breach is not listed, or if a range of bands is suggested, go to the General Questions and Base Penalty Bands for Other Breaches.

<b>Category</b>	<b>Breach</b>	<b>Base Penalty Band</b>
Safety	Failing to notify the race office when staying ashore	1
	Failing to comply with requirements for reporting retirement (failing to notify, not filing the form, filing the form later than the protest time limit, or failing to sign out or to sign in)	1
	<ul style="list-style-type: none"> <li>When non-compliance results in initiation of search and rescue</li> </ul>	4
	Boat not in assigned berthing place but has notified the OA	1
	<ul style="list-style-type: none"> <li>When boat has failed to promptly notify the OA</li> </ul>	2
	Failing to avoid commercial traffic	1-4
	Removal of PFD for a more extended period while not racing	1-2
	Failing to wear required safety equipment while racing	3
Code of conduct	Failing to comply with a reasonable request from an official	2-4
	Failing to comply with requirements, failing to take proper care of, or interfering with the function of supplied equipment	1-4
Leaving the shore	Failing to comply with an instruction to remain ashore (e.g. AP over H, D flag)	1-4
The start	Failing to avoid the starting area, not interfering with a racing boat	1
	Failing to avoid the starting area and breaking RRS 23.1	4
Equipment inspection	Failing to comply with instructions	
	<ul style="list-style-type: none"> <li>Good reason or justification</li> </ul>	1
	<ul style="list-style-type: none"> <li>No good reason or justification</li> </ul>	3
Replacement of crew or equipment	Failing to comply with instructions	
	<ul style="list-style-type: none"> <li>Good reason or justification</li> </ul>	1
	<ul style="list-style-type: none"> <li>No good reason or justification</li> </ul>	3

## PENALTIES FOR BOATS ONLY

<b>Category</b>	<b>Breach</b>	<b>Base Penalty Band</b>
	Replacing crew or equipment with non-compliant crew or equipment	4
Identification and advertising	Event stickers (e.g. advertising, bow numbers, sail dots, etc.)	
	• Failing to apply as required	2-4
	• Applied, but they failed to stay in place (0% if applied by OA)	1
	Failing to wear bib as required	1-2
	National flag	
	• Failing to apply as required	1
	• Applied, but it failed to stay in place (0% if applied by OA)	1
	• Applied, but it was not produced by an approved manufacturer as required by class rules	1
Positioning equipment	Failing to collect or return equipment as required or to sign it out or to sign it in	1
	Failing to install or comply with installation instructions	3
	If equipment was installed but its function was interfered with	4
Radio communications	Making or receiving radio or text or cell phone message not available to all boats	3
Trash disposal	Intentional trash disposal	4
Class rules	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 or 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 corrector weights	4
	Equipment outside measurement tolerances (excluding wear and tear)	

## PENALTIES FOR BOATS ONLY

<i><b>Category</b></i>	<i><b>Breach</b></i>	<i><b>Base Penalty Band</b></i>
	<ul style="list-style-type: none"><li>• No possible effect on boat speed</li></ul>	1
	<ul style="list-style-type: none"><li>• Possible but not significant effect on performance</li></ul>	2
	<ul style="list-style-type: none"><li>• Any significant effect on performance</li></ul>	4

## General Questions and Base Penalty Bands for Other Breaches

Use this table when there is no specific breach in the table above, or when the table above suggests more than one band.

<b>Question</b>	<b>Answer</b>	<b>Base Penalty Band</b>
Could the breach compromise safety?	No	1
	Possibly but not certainly	2-3
	Yes	4
Can the boat prove it has not obtained a competitive advantage?	Yes, no advantage is possible	1
	No, there is possible advantage but not certain advantage	2-3
	No, certain advantage	4
Could the breach bring the sport into disrepute?  Note: If the protest committee believes that the breach may involve misconduct, it should consider action under RRS 69, especially if no other rule is available.	No	1
	Possibly but not certainly	2-3
	Yes	4
Could the breach result in damage or injury?	No	1
	Possibly but not certainly	2-3
	Yes	4

## Considerations for Decreasing or Increasing the Penalty Within a Band or Across Bands

A positive answer to these questions would lead to decreasing the penalty:

- Was the breach accidental?
- Was there a good reason or justification for the breach?
- Was the breach reported by the competitor?
- Did anyone who was not part of the boat's crew or support team contribute to the breach?



## PENALTIES FOR BOATS ONLY

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

- Was the breach repeated?
- Was the breach deliberate as opposed to a misjudgment or carelessness?
- Was there any attempt to conceal the breach?
- Was anybody inconvenienced?

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

## Calculating and Applying the Penalty

To calculate and apply the penalty:

- The discretionary penalty may not make a boat's race score worse than retirement or disqualification.
- Percentage penalties are calculated to the nearest tenth of a point (0.05 to be rounded upward).
- When the breach affected racing performance, it should be applied to all races sailed that day, provided any protest is valid for all races.
- 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 the time of the incident.

## Writing the Decision

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

- Using the World Sailing Discretionary Penalty Guidelines for Boats & Support Persons a starting penalty of XX% was decided.
- The penalty was decreased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]...OR There were no circumstances to justify decreasing the penalty.
- The penalty was increased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]... OR There were no circumstances to justify increasing the penalty.
- The penalty is a YY% discretionary penalty, calculated using the method described in rule 44.3(c) and applied [to all races of the day] OR [to race numbers ZZ].

## General

When a protest committee decides in a hearing that a support person has broken a rule or a requirement of local regulations, RRS 62.3 and RRS 69.2(i) provide for applying penalties to the support person.

In determining discretionary penalties, the protest committee will be guided by this document.

In case of misconduct, the penalties to support persons and boats will be determined according to RRS 69.

## Penalty Levels Applied to a Support Person

Penalties are divided into 5 levels as follows.

<i>Level</i>	<i>Penalty</i>
1	Warning
2	Exclude the person from going afloat for one race or more
3	Exclude the person from going afloat for one day or more
4	Exclude the person from the venue for one day or more
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.

Start by using the tables that follow to find which level applies. Then determine if there is cause to decrease or increase the penalty.

## Base Penalty Levels for Specific Breaches

<b>Category</b>	<b>Breach</b>	<b>Base Penalty Level</b>
Safety	Failing to carry on board all safety equipment	2-4
	• Failing to comply after support person has been notified	4-5
	Failing to carry on board enough life jackets for all persons on board	3-5
	Failing to wear life jacket or allowing passenger not to wear life jacket while afloat	
	• The first time	1-3
	• After being warned, either afloat or ashore	3-4
	Failing to wear kill cord while afloat	
	• The first time	1-3
	• After being warned, either afloat or ashore	3-5
	Failing to have adequate insurance	3-5
	Carrying unaccredited personnel on board	2-4
	Leaving any device, piece of equipment, buoy, marker or similar items permanently in the water	3-5
	Failing to display when required	
	• MNA identification on boat, engine, or hull	2-4
	• Other required support boat identification	3-5
Sailing venue and restricted areas	Failing to comply with local harbour regulations, including speed limits	1-5
	Committing any inappropriate behaviour, dangerous actions or improper practices, or actions affecting the fairness or safety of competition	3-5
	Failing to use designated areas for launching or returning ashore. Parking or leaving trailer in a prohibited area	1-2
	Having an unregistered support boat in the sailing venue	3-5
	Failing to stay outside the restricted area, or failing to stay inside the designated areas	3
	• Interfering with boats that are racing	3-5
	Failing to minimise wash near boats that are racing	1-3
Electronics and communications	Intentionally putting trash in the water	3-5
	Unauthorized use of VHF radio, tablets, mobile phones or other communication devices	2-5

## PENALTIES FOR SUPPORT PERSONS ONLY

<b>Category</b>	<b>Breach</b>	<b>Base Penalty Level</b>
	Improper communication over VHF (interfering with race officials)	1-2
	Profane or abusive language (to RC, TC, OA, protest committee or others' support person)	1-5
	Operating drone without authorization	2-5
	Technical doping: the use of methods or technologies that contravene rules, regulations, or event requirements, to enhance supported competitors' performance, including information (e.g., meteorology), and hardware (e.g., boats)	2-5
Other incidents	Failing to comply with any other requirements	1-4
	Failing to comply with a reasonable request from a race official	1-5

## Considerations for Decreasing or Increasing the Penalty Across Levels

Under RRS 62.3, the protest committee has wide-ranging discretion to decide the appropriate penalty for a breach by a support person. The answers to the questions below help determine if there is cause to decrease or increase the penalty. The protest committee may also use other questions to determine if a penalty should be decreased or increased.

A positive answer to these questions would lead to decreasing the penalty:

- Was the breach accidental or could not be avoided?
- Was there a good reason or justification for the breach?
- Did anyone who was not part of the support team contribute to the breach?
- Did the support person admit to the breach and contribute to the investigation?

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

- Was the breach deliberate as opposed to a misjudgment or carelessness?
- Was there any attempt to conceal the breach?
- Was anybody inconvenienced?
- Did the support person commit a further breach?

## Writing the Decision

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

- Using the World Sailing Discretionary Penalty Guidelines for Boats & Support Persons a starting penalty of Level XX was decided.
- The penalty was decreased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]...OR There were no circumstances to justify decreasing the penalty.
- The penalty was increased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]... OR There were no circumstances to justify increasing the penalty.
- Support person [NAME OF SUPPORT PERSON] is penalized...[MAKE DETAILS OF PENALTY CLEAR FOR ALL READERS, INCLUDING SUPPORTED BOATS].

In addition, a protest committee should carefully consider RRS 62.4 when wording its decision regarding a support person. See also the section of this document Penalties for Boats with Support Persons Involved.

## General

When a protest committee decides in a hearing that a support person has broken a rule or a requirement of local regulations, RRS 62.4 and RRS 69.2(i) provide for applying penalties to a boat in specific instances.

In determining discretionary penalties, the protest committee will be guided by this document.

In case of misconduct, the penalties to support persons and boats will be determined according to RRS 69.

## Penalty Bands

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

<i>Band</i>	<i>Lower limit</i>	<i>Upper limit</i>	<i>Starting point / mid-point</i>
1	0%	10%	5%
2	10%	30%	20%
3	30%	70%	50%
4	DSQ	DSQ	DSQ

Start by using the tables that follow to find which band applies. Consider the base penalty to be at the mid-point of the band.

### Considering RRS 62.4(a)

<i>Question</i>	<i>Answer</i>	<i>Base Penalty Band</i>
Could the boat have obtained a competitive advantage?	No advantage is possible	1
	Possible advantage but not certain advantage	2-3
	Yes, certain advantage	4

### Considering RRS 62.4(b)

<i>Question</i>	<i>Answer</i>	<i>Base Penalty Band</i>
Could the breach result in damage or injury?	No	1
	Possibly but not certainly	2-3
	Yes	4

## PENALTIES FOR BOATS WITH SUPPORT PERSONS INVOLVED

Could the breach compromise safety?	No	1
	Possibly but not certainly	2-3
	Yes	4
Could the breach bring the sport into disrepute?	No	1
	Possibly but not certainly	2-3
	Yes	4

Note: If the protest committee believes that the breach may involve misconduct, it should consider action under RRS 69, especially if no other rule is available.

## Considerations for Decreasing or Increasing the Penalty Within a Band or Across Bands

A positive answer to these questions would lead to decreasing the penalty:

- Was the breach accidental or could not be avoided?
- Was there a good reason or justification for the breach?
- Did anyone who was not part of the support team contribute to the breach?
- Did the support person admit to the breach and contribute to the investigation?

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

- Was the breach deliberate as opposed to a misjudgment or carelessness?
- Was there any attempt to conceal the breach?
- Was anybody inconvenienced?
- Did the support person commit a further breach?

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

## Calculating and Applying the Penalty

When applying a penalty to a boat under RRS 62.4, the protest committee may only change a boat's score in a single race. Furthermore, the penalty may range from 0% up to and including disqualification.

To calculate and apply the penalty:

- The discretionary penalty may not make a boat's race score worse than disqualification.

## PENALTIES FOR BOATS WITH SUPPORT PERSONS INVOLVED

- Percentage penalties are calculated to the nearest tenth of a point (0.05 to be rounded upward).
- The penalty should be applied to the race sailed nearest in time to the time of the incident.

## Writing the Decision

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

- Using the World Sailing Discretionary Penalty Guidelines for Boats & Support Persons a starting penalty of XX% was decided.
- The penalty was decreased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]...OR There were no circumstances to justify decreasing the penalty.
- The penalty was increased because [LIST THE REASONS, NOT JUST THE NUMBER OF REASONS]... OR There were no circumstances to justify increasing the penalty.
- The penalty is a YY% discretionary penalty, calculated using the method described in rule 44.3(c) and applied [to all races of the day] OR [to race numbers ZZ].





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