

Several questions have been posed regarding sail purchases.

This interpretation seeks to

1. Understand the issues:
2. Define how the rule as written will be applied until changed
3. Identify potential changes

Background

The Class rules Section III item 2 states.

“No more than one new set of sails per calendar year may be purchased or one replacement set for sails lost, stolen, or totally damaged. Only two sets shall be measured in per regatta or series”

The language has resulted in the following specific questions.

1. If someone owns more than one boat how many sails can they buy?
2. What constitutes “totally damaged”.
3. Does per calendar year mean Jan 1 to Jan 1 or one year from the last purchase.
4. Does “purchased” mean when the order is placed or when the sails are delivered.

Many other hypothetical questions have also been posed.

We offer the following interpretations and provisional rule changes. Investigations and findings that helped formulate the interpretations can be found at the end of this document.

Interpretations/Rulings

Specific Interpretations

1. The rules regarding sail purchases will be applied “per boat”. A member who owns more than one boat may buy a new set of sails for each boat per calendar year. This requires us to impose a restriction to maintain the intent of the rule as written. In the case of multiple boat ownership if two new sets of sails are purchased in one year, the “new” sails purchased for one boat may not be used on the other boat. A member with multiple boats may use one set of new sails between two boats. (We can’t foresee every scenario. If a specific situation develops that seems at odds with the intent please inform the NC. We will look to the intent)
2. “Totally damaged” means unusable for sailing and infeasible to repair in time for use. Note that a sail that has lost optimal racing shape is not “totally damaged”. Typically the damage will have been the result of an event such as a collision, a snag during a maneuver, a catastrophic load failure (e.g. spinnaker explodes in a gust, stitching failure, etc...), or an attack by a malicious rodent during storage. A sailor may not intentionally damage a sail to ensure that it meets the “totally damaged” criteria. The National Measurer, or a member of the National Committee may make the determination of “totally damaged”. The decision should be delivered in written form.

3. “Per calendar year” means the Gregorian calendar year calendar year , Jan 1 to Dec 31
4. The order date for the new sails (call or fax to vendor) will be used as the “purchase” date. This is the only date that is within the control of the owner.

Recommendations

The rules regarding sail purchases leave many situations unaddressed. They are difficult to enforce as written. They also create a situation where a new boat owner may be placed in a disadvantaged position relative to backup sails if good used sails are not available. The technical committee (with help from others as needed) should investigate and recommend a change to the class rules that accomplishes the following:

- Defines all terms
- Clarifies who can make decisions regarding damage.
- Establishes rules that are practically enforceable
- Ensures fairness and affordability for class members
- Provides a mechanism to address unforeseen situations.
- Addresses sail issues related to new boat ownership, transfer of ownership, multiple boat ownership, and chartering.
- Addresses royalties and registration of sails

Investigation /Research

These topics have been discussed in great detail on the Yahoo forums by the general population and the Technical committee. In addition the National Measurer and Designer were asked for input.

Multiple boats

When the constitution was written multiple boat ownership was not a significant issue. This has become more prevalent in recent history. Some owners retain an original boat while upgrading to a newer one. Some sail one boat while refurbishing another. Some have purchased a second boat to be available as a fleet boat. In these cases it is obvious that the boats are not being purchased simply to acquire additional new sails.

Boats vs Owners

The vast majority of the class rules control features of “the boat.” vs controlling the boat owner. The ability of a skipper to charter a boat further complicates the issue when trying to control owner actions like purchasing sails.

The practical impact of primary vs backup sails

Every sailor is allowed to purchase one new set of sails per year under the current rules. It is possible that all sailors at a sanctioned event (e.g. BNAC) could sail with new sails. Thus the issue is one of equity across time (during the entire year vs BNAC) and the availability of good backup sails in the case of damage.

Intent vs practical enforcement

It is clear that the intent of the rule is to limit the effect of affluence and to keep the class fair and affordable. It is also clear that there are many ways to get around the current rule to subvert that intent. Some examples:

Someone else (even a non class member) could buy new sails use them one time then sell them to another owner as “used”

Someone could be “gifted” new sails

It is difficult for the class to effectively police a rule based on “purchases” since we cannot know of all purchases by all individuals from all lofts. The rule as written relies largely on Corinthian spirit.

Some classes do regulate “purchase” while others rely solely on “use”.

“Purchase”

In the Buccaneer Class history sails that are purchased concurrent with the purchase of a new boat have been considered THE set of new sails whether they were purchased with the boat from the boat builder or from a loft directly.

Some classes including the J105 class have clearly defined some of the terms surrounding sail purchases.

In the following excerpt from the J105 class rules note the use “for the purposes of class racing”, “calendar year”, and the definition of “used” .

“For purposes of class racing, sail purchases shall not exceed (a) two sails in any calendar year, *plus* (b) one additional sail during any period of two consecutive calendar years. In addition, during the calendar year in which a new boat is first used (“year one”), one used mainsail, one used jib and one used spinnaker (“used” defined as at least 6 months of sailing use) may be purchased. Any sail purchased before year one shall be considered purchased during year one”

Damage

The Banshee class can be used as an example of addressing “damage”.

H. A skipper can not change sails during a regatta unless the sail first used is damaged or torn, lost or found through protest to violate the measurement tolerances. Sail damage permitting a change is limited to those cases when:

- (i) the damage occurs naturally,
- (ii) the damage materially could affect performance and
- (iii) there is no practical opportunity to correct the damage.

In some classes a measurer has to approve the replacement of damaged sails. In others it is the purview of the local race committee

Where the BCA constitution is ambiguous it makes sense to apply common understanding of these terms within the sailing community.