

World Sailing Sailor Categorization Code

World Sailing Regulation 22

Frequently Asked Questions (FAQs)

11th Edition Effective 1 January 2016

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Foreword

In recent years it has become important to many Event Organisers and Class Associations to have a universal system that provides a clear distinction between sailors with a financial interest in the sport or who are being paid to race (professional) and sailors who race only as a pastime (amateur). The World Sailing Sailor Categorization Code, Regulation 22, exists as a service to provide events and classes with an international system for categorization of sailors.

Events and Classes are not under any obligation to use the categorization system but should they wish to do so the World Sailing Sailor Categorization Code is the only system that shall be used. When using the Code Event Organisers and Class Associations are under an obligation to properly administer and implement it.

With an important change introduced for 2019 the Code now classifies sailors into two Groups: Group 1 and Group 3.

Categorization is based on financial involvement in boat *racing* (whether direct or indirect) and/or the use in the sailor's work of knowledge or skill capable of improving the performance of a boat in a race. It is not based on racing success, prowess or talent. No moral or ethical judgements are attached to these categorizations. It is up to classes and organisers to determine how they use the categorization.

In 2012, some changes were made to Regulation 22 regarding how long a Group 3 sailor remains with this Categorization when they participate in three elite Events, specifically, the Olympic Sailing Competition, the America's Cup and the Volvo Ocean Race. A document defining the latter two events is now posted on the Categorization website <http://www.sailing.org/classification/37703.php>

In 2018, additional change was made to this Regulation regarding Sailor age : Specifically a change to the age exemption from age 24 down to age 22. [A change from indefinite to Sailors that attain the age of 70 to now be automatically Classified as Group 1 was added in 2016].

An additional change to Regulation 22 was also made in 2018 that specified that all forms of coaching that were not determined to be in addition to an applicants principal occupation were considered Group 3 activity

Full details can be found in this booklet or on the World Sailing web site: www.sailing.org/classification

Guidance notes for Race Officials, Class Associations and Event Organisers are also available on the site at www.sailing.org/raceofficials/event-management.php

The World Sailing Sailor Categorization Commission, reporting to the Board of Directors of World Sailing, is responsible for developing and managing the Code and consists of a Chairman and a number of individual members, all volunteers, drawn from across the world and from Group 1 and Group 3 sailors. The World Sailing Executive Office supports the Commission. All correspondence should be addressed to the World Sailing Executive Office at classification@sailing.org

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World Sailing Sailor Categorization Commission
November 2019

Introduction

This booklet, revised for November 2019 contains the World Sailing Sailor Categorization Code together with almost 150 frequently asked questions (FAQs) and their answers.

It is a fundamental principle of the Code that, in the first instance, it is the sailor who classifies themselves, since ultimately it is the sailor who knows the true relationship between their racing and their financial involvement in the sport. It is the applicant's responsibility to disclose voluntarily all information necessary to determine their proper Categorization and not to give false or misleading information. Cheating carries the same penalties as it does elsewhere in the sport. It is the sailor themselves who must apply and complete the declaration. **Applications made by someone other than the applicant are not permissible.**

All applications are reviewed and applications that appear not to be consistent with the Code are assigned to a review panel of up to three members. The task of the review panel is to assist the sailor to identify the Group to which they belong and to agree a categorization. If necessary, the panel may determine that categorization. A sailor who does not accept the decision of the review panel may appeal. Appeals are always assigned to three members who have not been party to the original decision and always drawn from at least two countries. Subject to the provisions of Regulation 51, the decisions of the Appeal Panel are final and binding for two years henceforth.

Sailor Categorization is done at no cost to the Applicant with the following exception: With the passage of Submission 010–15 effective 14 November 2015. Any application received within 7 days of an event deadline may be subject to an administrative fee of 25.00 GBP to expedite the processing of this application. Although 90% of all categorization are completed within 7 days, the target is to complete the remainder within 21 days. **If you believe you will need a Categorization for a particular event registration deadline it is important that you allow plenty of time.**

We would strongly encourage sailors and officials at all levels to familiarise themselves with the contents of this booklet and in particular the section 'Definitions and Principles' and any section that covers their own activity. However, no guide can cover every situation and if you have any doubts concerning the Code we would encourage you to seek advice from World Sailing.

We will continue to revise this guide from time to time to reflect further decisions and comments received.

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Frequently Asked Questions

1. Definitions

Terminology

A term used in the sense stated in the definitions of the Code is printed in italics.

Racing

Q. Do all types of *racing* count in the Code?

A. *Racing* means races organised in accordance with RRS 89.1 and includes sailboard *racing*.

Grants

Q. A sailor receives a *grant*. Are they Group 1 or 3?

A. They will be Group 3 unless the *grant* is strictly for *personal expenses* in which case they will be Group 1.

Q. A sailor receives a *grant* towards general physical training, coaching or boat costs. Are they Group 3?

A. Yes.

Personal Expenses

A sailor, without affecting their categorization, may be reimbursed for reasonable *personal expenses* provided that they:

- (a) are for a specific event; and
- (b) are individually identified and not just a per diem amount or lump sum; and
- (c) only cover entry fees, personal travel, accommodation and meals; and
- (d) exclude any contribution to the operating expenses of the boat such as maintenance, transport, running and/or capital costs; and
- (e) exclude any contribution towards other expenses such as fitness training or coaching.

An owner may accept reimbursement for reasonable *personal expenses* for themselves and their crew from an event organiser or event sponsor without affecting their categorization.

Q. Is the receipt of money by a sailor to compensate for their 'lost wages' from their normal *work* when off *racing* considered to be 'expenses'?

A. No. Such reimbursement is, in any form, considered as *pay*. They are therefore, by definition, Group 3 unless the age exemption applies.

Q. After winning a World Championship an owner takes all their crew for a holiday at their ski chalet. If the owner *pays* for all their expenses of travel, food and drink do the Group 1 sailors remain Group 1?

A. Yes, provided it was not a contractual arrangement or inducement prior to the event.

Q. A sailor receives reimbursement for travel, food and accommodation for a regatta. Their wife or partner is invited too and similar expenses *paid* for. They are not part of the crew. Do they become Group 3?

A. No.

Q. An owner wins a World Championship and gives each of his crew a valuable watch. Do the Group 1 sailors become Group 3?

A. No, provided it was not a contractual arrangement or inducement prior to the event

Money's Worth

Q. In the definition of *pay* what is '*money's worth*'?

A. Goods or services that have a monetary value received or accepted instead of money, for example free coaching, equipment, boat transport.

Future 'Work' and 'Pay'

Q. A sailor accepts an offer of *work* for *pay* at a later date that will make them a Group 3. Are they a Group 1 sailor until they start that *work*?

A. No. The Code states that *pay* includes 'the acceptance by a sailor of an offer to give money....' On acceptance of the offer the sailor becomes Group 3.

Q. A sailor arranges *work* for themselves that will make them a Group 3 sailor but does not get *paid* until later. Are they a Group 1 sailor until they receive *payment*?

A. No. The Code states that *pay* includes 'the acceptance by a sailor of an offer to give money....' On acceptance of the offer the sailor becomes Group 3.

2. Terms

Pastime

- Q. What is the meaning of 'Pastime'?
- A. 'Pastime' means an *unpaid* leisure activity.

Performance

- Q. What does 'performance of a boat' mean?
- A. 'Performance' in *racing* is not merely boat speed. It includes any activity, skill or knowledge that affects the results of a boat in a race or series.

Lower Age Limit

A sailor who has not yet reached their 18th birthday is Group 1. A sailor who, after their 18th birthday, applies for a categorization shall only take into consideration their activity between their 18th birthday and the *Categorization Date*.

For a sailor whose age is between 18 and 22 the FAQs in section 'under 22 years old' apply, see page 11.

Upper Age Limit

A sailor who has reached their 70th birthday is Group 1. A sailor who, after their 70th birthday, applies for a categorization shall only take into consideration their activity for the two years preceding their 70th birthday.

Charter 'Fees'

- Q. Is the receipt by a sailor of a charter fee considered as *pay*?
- A. Yes. Therefore all sailors who are in receipt of charter fees should review the questions and answers in the 'Charter Boats' section, see page 19.

3. Principles

Change of '*Work*' (Job)

- Q. A sailor in the marine industry with a Group 1 categorization changes his *work*. Must they notify the World Sailing by submitting a new application?
- A. The Code requires sailors to notify World Sailing immediately of any change of circumstances that may result in a change of categorization. A sailor must reapply whenever there is a material change of their circumstances even if they believe they are still a Group 1 sailor.

Scope of '*Work*'

It is important to stress that the sailor's categorization is based on all their activities in the 24 months prior to the categorization and during the valid period of the categorization. It is not just based on their activity at a specific event or with a specific class which requires categorization.

- Q. A sailor competes without *pay* in an event that requires categorization. However within the preceding 24 months they have been *paid* for *racing* a boat in a class that does not require categorization. Are they Group 1?
- A. No. They are a Group 3. categorization is based on all the activity of a sailor and not just that which pertains to the class or event that requires categorization
- Q. A sailor was a Group 1 sailor at the time they applied for their categorization. Subsequently they undertake an activity that makes them a Group 3 sailor. Are they Group 1 until their current certificate expires?
- A. No. They become Group 3 the moment they undertakes Group 3 activities and they should reapply to the World Sailing immediately.

Consideration of all activities

All the questions and answers in this booklet assume that no other reasons exist for the sailor to be classified differently. In determining their categorization a sailor should consider all aspects of their activities and if any one part of their activity is in Group 3 that will determine their categorization even though there are other activities which are Group 1.

Validity of a Categorization Certificate

- Q. For how long is a categorization certificate valid?
- A. Normally two years from the date of issue provided a change has not been made in the meantime because either
- (a) the sailor has submitted a new form; or
 - (b) the World Sailing has had reason to change the categorization; or
 - (c) there has been a review requested by a competitor

However where a sailor is Group 1 because of the age exemption for sailors who are under 22, a certificate may, at the Commission's discretion, be issued which is valid only to his 22nd birthday.

- Q. What happens at the end of two years?

- A. The sailor will automatically receive a reminder by email (30 days before the certificate expires) and should make a new application in full. If no new application is received by the expiry date the categorization will show as 'expired' in the list of sailors in 'search for a sailor'.

Note: It is important therefore that a sailor keeps their email address up to date on the database.

- Q. Is World Sailing permitted to change the categorization of a sailor at an interview at an event?

- A. Yes. Regulation 22.3.6(b) allows World Sailing to change a categorization at any time when they believe it has good reason to do so.
See pages 32 & 33

4. Challenging another Sailor's Categorization

Viewing other sailors' Categorizations

- Q. How does a sailor find out the categorization of another competitor?
- A. The World Sailing website displays (via 'search for a sailor') a list of all sailors with their current categorization. This can be searched by individual name, the first 3 letters of a name, or by country.

Challenges to another sailor's Categorization

- Q. A sailor believes that the categorization of another sailor is incorrect. Can they challenge it?
- A. (a) They should ask the event's Organising Authority, the Class Association or World Sailing in confidence to investigate and they may refer the case to the World Sailing Categorization Commission, whose panel will review the categorization [22.3.6(b)]; or
- (b) At an event that is using the Code or where a class is using the Code his boat may protest the boat on which the sailor is *racing* [22.5].

5. Over 70 years, under 22 years old and under 18

Over 70

- . **A sailor who has reached their 70th birthday:**
 - . **Will remain a Group 1 if they have not engaged in Group 3 activities in the Categorization period**
 - . **Will become a Group 1 on their 72nd birthday if they were engaged in Group 3 activities.**
- Q. What should a sailor do when they reach their 70th birthday?
- A. **They should reapply.**

Under 22

- Q. May a sailor, under age 22 on the application date, *work* on a boat that races and remain Group 1?
- A. Yes, provided they *work* for no more than a total of 100 days in the qualification period.
- Note:** However if they continue to *work* on the *racing* boat after their 22nd birthday they become Group 3 and must therefore make a new application immediately.
- Q. A sailor, under age 22, is employed by a marine business or organisation and races with customers. This would make them Group 3. If they do this for more than 100 days but races with customers for less than 100 days. Does the age exemption make them Group 1?
- A. No they become Group 3 because their employment makes them a Group 3 sailor and are engaged in this activity for more than 100 days.
- Q. What happens when a sailor reaches their 22nd birthday and has used the exemption to be classified as Group 1? Do they become Group 3 automatically?
- A. Not necessarily. Any Group 3 activity on or after their 22nd birthday will make them Group 3. The exemption only covers activities prior to their 22nd birthday.
- Q. A sailor reaches their 22nd birthday and continues with or starts Group 3 activities. Must they notify WORLD SAILING immediately by submitting a new application?
- A. Yes, they must do so.

For Olympic and Elite squad sailors who are under 22 see the specific FAQs on pages 17 & 18.

Under 18

- Q. A sailor has not yet reached their 18th birthday. Does the Code apply?
- A. Yes, but they will be automatically classified as Group 1 [22.2.1(b)(i)].
- Q. What should a sailor do when they reach their 18th birthday?
- A. If the sailor is carrying out any Group 3 activity after their 18th birthday they must reapply and where eligible use the age exemption to request a Group 1 Categorization.

6. Race Organisers & Race Officials

Race Officers, Judges, Umpires, Measurers

- Q. Is a race officer, judge, umpire or measurer who is *paid* for this *work* Group 1?
A. Yes, they are normally Group 1. The knowledge and skills required do not normally enhance the performance whilst on board a boat when *racing*.
- Q. Is a measurer who has been *paid* to measure a boat and then races on it Group 1?
A. (a) Yes, they are normally Group 1 provided that the *paid work* is only to carry out official measurement duties of recording data, certification or equipment inspection. The measurer must act as an agent of the body that appointed themselves and not for the boat, but may be *paid* by either the appointing body or the boat
(b) However If they engage in any other form of *paid work* on the boat (for example, consultancy on boat design or rating/measurement optimization) then this must be considered separately and they may be Group 3.

If a Race Official is *paid* to advise or coach see the FAQs on Instruction on page 13.

7. Instruction

Teaching, coaching, advising

- Q. Is a sailor who is *paid* to teach basic sailing, at learn to sail level, Group 1?
A. Yes
- Q. Is a sailor who is *paid* to teach or coach *racing* Group 3?
A. (a) Yes if they are a Group 3 and have been *paid* for *work* that includes the coaching of:
- i. any competitor, crew or team to prepare for or compete in any of the following:
 - The Olympic and Paralympic Sailing Competitions and Qualifying Events;
 - Regional Games;
 - America's Cup Match, Acts and Series;
 - Grade 1 Match Racing Events;
 - World and Continental Championships of WORLD SAILING Classes;
 - WORLD SAILING Events;
 - Global and Trans Oceanic Races; or
 - ii. a National, State or Provincial Team; or
 - iii. a Collegiate or University Team where the *work* is the principal paid activity of the competitor who is applying for a Categorization.
- (b) Otherwise they are Group 1.

- Q. If a *paid* coach who is otherwise Group 1 races on a boat whilst coaching do they remain Group 1?
- A. No, they would become *paid* crew. See the FAQs on Paid Crew on page 15.
- Q. A sailor who *works* at a University teaching physics is also *paid* to coach the College sailing team. Are they a Group1?
- A. Yes, provided their coaching is not their principal *paid* activity.
- Q. May a *paid* rules adviser be Group 1?
- A. Not necessarily as if they are a coach: see the FAQs in this section.
- Q. A sailor teaches basic navigation. Are they Group 1?
- A. Yes, provided that they do not teach *racing* strategy or tactics in which case they may be Group 3.
- Q. A sailor is *paid* (directly or via a company) to take sailors on board a boat while *racing* to teach them beginners' *racing* skills. Is he Group 1?
- A. No. *Racing* is an integral part of what they are being *paid* to teach; therefore they are being '*paid* to race' and is Group 3.

8. Writers and Broadcasters

Writers, journalists, authors, broadcasters

- Q. May a writer or journalist of general articles on boating be a Group 1 sailor?
- A. (a) Yes, provided the articles do not include instruction on *racing*; or
- (b) No. Writing that includes instruction and coaching (tactics, go-fast, tuning, etc.,) of *racing* is a Group 3 activity
- Q. May a crew member be *paid* to write or broadcast about a race in which they are participating and remain Group 1?
- A. Yes, provided they are *paid* only to write and not to compete in the race and the payment or compensation does not have the purpose or effect, directly or indirectly, of financing participation in the race. Otherwise the sailor is Group 3.
- Q. Is a writer who continues to receive royalties on an instructional book written and published before the Qualification Period always a Group 3 sailor?
- A. No. They may apply to be a Group 1 sailor 24 months after the original publication of the book or article provided
- (a) No other instructional books have been written by themselves that would disqualify themselves; and
- (b) A substantial revision has not taken place within the Qualification Period.
- Q. When a journalist participates in a race and writes about it does this affect their categorization?
- A. Not through this activity, provided they are a *paid* writer who sails and not a *paid* sailor who writes. However, a writer *paid* by the owner or a sponsor to write about themselves, the company, or the campaign could well fall within the definition of Group 3 if *racing* aboard the boat is an integral part of his *work*.

9. Paid Crew and Employees

- Q Can a sailor who is *paid to work* by the owner of a boat on which they race be a Group 1 sailor?
- A No, they are a Group 3 unless there is no connection between their *work* and the boat on which they race.
- Q Is a *paid* crew on large sailing boats that never race or on motor boats Group 1?
- A Yes, provided that their *work* on the sailing boat or motor boat is not connected to a boat on which they race.
- Q May a crew *working* on a sailing boat as part of the crew and very occasionally *racing* for 'fun' on that boat in a 'fun regatta' remain Group 1?
- A Yes. Provided the *racing* has not been organised in accordance with **RRS 89**.
- Q May a sailor who is *paid* to maintain a friend's boat but is not *paid* when *racing* on it be Group 1?
- A No. They are a Group 3. Maintenance is included in the activities in Regulation 22.2.2(b).
- Q A sailor *works* on a boat that races. The sailor is not involved in the handling of the boat and only looks after the guests. Can that sailor be Group 1?
- A Yes, provided the duties do not include any *racing* role.
- Q Can a sailor who gets *paid* for the delivery of a boat be a Group 1?
- A Yes, unless they race on that boat, in which case they would be Group 3.

10. Olympic and Elite Squad Sailors *revised January 2012*

For sailors who have reached their 24th birthday: For sailors who are under 22, please see the FAQs at the end of this section regarding the under 24 exemption.

- Q A sailor is a member of an Olympic squad, development squad or similar squad or team and receives *grant* funding because of this. Is he Group 3?
- A (a) Yes. Membership of a squad or team is *work* for which the sailor is *paid*. The sailor's *work* in this case will include competing and/or managing, training, practising, tuning, testing, maintaining or otherwise preparing themselves and the boat for *racing*.
(b) The only exception to this is if the *grant* funding is no more than the sailor's *personal expenses* (which may be no more than the amount of reasonable expense incurred for entry fees, travel, accommodation and meals in connection with and necessary for specific events).
- Q Does a sailor become Group 3 just because they compete in an Olympics?
- A No. However, it is likely that an Olympic athlete receives support from their MNA and this will need to be considered if it constitutes *pay*.
- Q A sailor is a member of an Olympic squad, development squad or similar squad or team and does not receive *grant* funding. However they receive free or subsidised coaching, shipping, access to professional advice or services (such as fitness training, medical services, physiotherapy, weather forecasting etc.) Are they a Group 3?

- A Yes. See Answer 1 above. *Pay* includes *money's worth* and benefits in kind. The receipt of free or subsidised equipment or services is a benefit in kind.
- Q A Group 3 sailor competes in an Olympic Sailing Competition. Does this affect their categorization status?
- A Yes. From 1 December 2011 onwards, any Group 3 sailor who competes in an Olympic Sailing Competition will remain Group 3 for 5 years after the final day of racing at the Olympics or until the expiry of the usual Group 3 timeout period of 2 years (whichever is the later). This applies whether or not the sailor was Group 1 or 3 at the time of the Olympics.

For example, a sailor is Group 1 and competes at the London 2012 Olympics. In August 2013, they become a Group 3 sailor. Because they competed in an Olympic Sailing Competition, they are now Group 3 until August 2017 as this is 5 years from the end of the Olympics in which they competed, whether or they ceased any Group 3 activities since that time.

In August 2017, the sailor can apply for a new categorization and the usual *Qualification Period* of the 2 years prior to the application date will be considered.

Sailors are referred to WORLD SAILING Regulation 22.2.3.

- Q. Does this apply to sailors who competed in the 2008 Olympics or earlier?
- A. No. It only applies for the 2012 Olympics in London and later Olympiads.
- Q. Does this apply to the Paralympic Sailing Competition?
- A. No.
- Q. A sailor is employed in an organisation that provides them with additional *paid* leave and/or contributes to their expenses to race, practice or prepare. Are they a Group 1 sailor?
- A. No, they are a Group 3.
- Q. A sailor receives from a commercial organisation a contribution to their living expenses and/or the running expenses of their campaign over and above those allowed as '*personal expenses*' (see page 5). Are they a Group 1 sailor?
- A. Not normally. They are a Group 3 if the contribution is accepted in return for selling, promoting or advertising the donor's products, services or support or allowing themselves name, reputation or likeness to be used in any way for any commercial purpose [22.2.2(f)]. Otherwise the sailor is Group 1.
- Q. A sailor receives from their family or friends a contribution to their living expenses and/or the running expenses of their campaign over and above those allowed as '*personal expenses*' (see page 5). Are they a Group 1 sailor?
- A. Yes, provided the contribution has not been structured to avoid the sailor otherwise being Group 3
- Q. A sailor receives from another sailor a donation towards the costs of their living expenses and/or the running expenses of their campaign over and above those allowed as '*personal expenses*' (see page 5). In return they are required to race with the donor. Are they a Group 1 sailor?
- A. No, they are a Group 3
- Q. A sailor receives from a 'not for profit' sports organisation, National Authority, other Government body, foundation or charity a contribution to their living expenses and/or

the running expenses of their campaign over and above those allowed as *personal expenses*' (see page 5). Are they a Group 1 sailor?

- A. (a) No. They are a Group 3 if the organisation includes in its objectives support for the achievement of success by a team or individual in high level competition and/or promotes their success publicly. Examples include the National Authority, Government bodies and Sports Foundations; or
(b) Yes. They are a Group 1 if the members of an organisation, such as a Sailing Club, hold a fund raising event for the members to make personal contributions; or
(c) No. They are a Group 3 if the contribution comes as part or all of a *grant*, bursary or scholarship
- Q. If a sailor is provided with free or subsidised coaching, fitness coaching etc are they a Group 3?
- A. Yes as these are goods or services that have a monetary value (see definition of *pay*).
- Q. A sailor is lent a boat for a campaign or event and returns it afterwards. Does this affect their categorization?
- A. No, however if the boat was given to the sailor and they sold it and retained the proceeds they would become Group 3.

For sailors who are over 18 but have not yet reached their 22nd birthday Group 3 activity is determined as above and the time limit on exemption (100 days in 24 months) is calculated as follows:

Where the contribution or *grant* does not include a contribution to 'living costs' of a campaign the number of days of Group 3 activity will comprise those spent on everything set out in Regulation 22.2.2 plus any days spent on Group 3 activity for any other *race* preparation or *racing*.

Where the contribution or *grant* includes lump sums and allowances which are not for specific events the total period for which they are *paid*, i.e. 3 months, 1 year etc. will be used to establish the number of days involved.

- Q. A sailor receives an annual *grant* towards their campaign expenses. Are they a Group 3?
- A. Yes. This would make them Group 3. If their *grant* is for more than 100 days even though they may race for less than 100 days.
- Q. In addition to *personal expenses* for specific events a sailor receives coaching, general advice and sometimes boat transport costs from his MNA as part of his membership of a squad or team. Are they a Group 3?
- A. Yes, if membership is for a period longer than 100 days.

11. Charter Boats

- Q. A sailor charters out a boat for *racing* and receives directly or indirectly all or part of the charter fee or the benefit thereof but never races on board her during the charters. Are they a Group 1?
- A. Yes, provided there are no other reasons to be Group 3.
- Q. A sailor charters out a boat that never races when under charter. Are they a Group 1?
- A. Yes
- Q. A sailor charters out a boat they own directly or indirectly, partially or fully, and races on it whilst under charter but **does not steer** it during the races. Are they a Group 1?
- A. Yes, provided it is only an occasional charter and is not part of any business activity. Otherwise the sailor is Group 3.
- Q. A sailor charters out a boat and receives directly or indirectly all or part of the charter fee or the benefit thereof, races on board her whilst under charter and steers her for part or all of the race(s). Are they a Group 1?
- A. No, they are a Group 3.
- Q. An employee, director or owner of a company whose business includes being *paid* to charter out boats, races on any of the boats whilst on charter. Are they a Group 1?
- A. No, they are a Group 3 if any boat on charter with themself on board takes part in a race held in accordance with RRS 89. The type of charter, the duration of the charter, the nature of the other people on board are immaterial.
- Q. An 'owner's rep' (who is not the sailor who directly or indirectly receives the financial benefit of the charter) receives expenses for being aboard a chartered boat whilst *racing*. Are they a Group 1?
- A. Yes, if the expenses comply with those described as '*personal expenses*' on page 5 and do not in any way cover loss of earnings or make a contribution above directly incurred '*personal expenses*'. Otherwise the sailor is Group 3.
- Q. A sailor *works* regularly on a charter boat. Would he be Group 3?
- A. Not always. They would be Group 1 if the boat does not race, but Group 3 if the boat races. (See also Instruction on page 13.)
- Q. A sailor *works* on a charter boat which races occasionally. The sailor is not involved in the handling of the boat and only looks after the guests. Can that sailor be Group 1?
- A. Yes, provided the duties do not include any *racing* role. Otherwise the sailor is Group 3.

12. Corporate Entertaining

- Q. A company charters a boat for its employees and guests to race and the employees race on the boat in company time. Are they '*paid* to race' and therefore Group 3?
- A. No. They are Group 1 if they are *racing* solely as a pastime and their *work* does not involve the use of knowledge or skill that could improve the performance of a boat in a race. Otherwise they are Group 3.
- Q. A charter company occasionally organises its own informal races for its clients as part of a larger charter activity. Are these 'races' within the context of the Code?
- A. Not normally. For the purposes of this Code, *racing* includes only those races organised under RRS 89.
- Q. A charter company organises races for clients. It provides all the race management from its own resources. Are these 'races' to be taken into consideration for the purposes of classifying the charter company's employees?
- A. No, unless the charter company organises races in accordance with RRS 89 (either in affiliation with the MNA or as a Class Association or in conjunction with an affiliated club) in which case, Yes.
- Q. A charter company enters boats in races and sells crewing places on board. Are charter company employees who also race aboard the boats Group 1 or 3?
- A. Group 3 – they are being *paid* to race.

13. Marine Businesses and Organisations

- Q. Are all members of the marine industry automatically Group 3?
A. No. Firstly those whose business or organisation has nothing to do with boats that race are Group 1. Some examples would be commercial pilots, builders of boats that do not race, fishermen, and designers or manufacturers of items not used on boats that race. If in some way they are involved in boats that race, their categorization depends on a number of factors.
- Q. An employee of a marine business or organisation is employed as an accountant. Can they be a Group 1?
A. Yes. This *work* does not require knowledge or skill capable of contributing to the performance of a boat in a race or series.
- Q. An employee of a manufacturer of deck hardware, whose products are used on boats that race *works* as a machinist. Can they be a Group 1?
A. Yes.
- Q. An employee of a manufacturer of deck hardware designs equipment for boats that race. Are they a Group 1?
A. Yes. However, they would be a Group 3 if they races on a boat for which they created (or advised on) a custom layout or design.
- Q. Can a salesman of a manufacturer of deck hardware be Group 1.
A. Yes if the equipment is generic. However, if they race on a boat to which they have sold equipment then they are Group 3.
- Q. A sailor has *paid work* as a rigger on boats that race but does not race on any boat they have rigged. Are they a Group 1?
A. No, they are a Group 3 as their *work* requires knowledge and skill that is capable of enhancing the performance of a boat in a race and that can be utilised whilst on board when *racing*.
- Q. A sailor is employed in a marine business in an administrative position. They are required to race occasionally with clients in their own time and without extra *pay*. Are they a Group 1?
A. No. Any sailor who is required to race on a client's boat by their employer is Group 3. They are no longer *racing* solely as a pastime and they are being *paid* for *work* that includes competing in a race.
- Q. The *work* or duties of a member of the armed forces, similar organisations or corporations (for example the Guardia Finanzia in Italy) includes the maintenance and/or preparation of a boat that races. Are they a Group 3?
A. Yes, if they competes on board that boat or in a boat on the same team (in a team competition).
- Q. What are examples of *work* in a marine business that would not make a sailor Group 3?
A. Production, distribution or marketing of non-performance enhancing equipment, such as clothes, safety equipment, refrigeration, marine propulsion, coatings, resins, composites, etc.

- Q. A sailor *works* in a chandlery. Are they a Group 3?
A. No. They are normally Group 1 unless they provide a boat or its sails and then races on it in which case they are Group 3.
- Q. A sailor *works* for a marine electronics business. Can they be a Group 1?
A. Yes, unless they have knowledge or skill in using that equipment that would enhance the performance of a boat in a race or if they are on board a boat in a race to promote their product in which case they are a Group 3.
- Q. A sailor *works* for a mast builder. Can they be a Group 1?
A. Yes, unless they have knowledge or skill in tuning that mast that would enhance the performance of a boat in a race or if they are on board a boat in a race to promote their product in which case they are a Group 3.

14. Sailmakers

- Q. Are all employees of sailmakers automatically Group 3?
A. No. Employees of sailmakers are usually Group 3 but Categorization depends on the exact nature of the *work* and the relationship between the sailor's *work* and their *racing*. For example those who have not been involved in providing the sails and whose *work* does not require knowledge or skill capable of enhancing the performance of the boat whilst on board in a race such as accountants, clerks and those who sew sails may be Group 1.
- Q. A sailor *working* for a sailmaker has *work* that requires knowledge and skill capable of enhancing performance in a race whilst *racing* but does not race with the customers of the sailmaker. Are they a Group 1?
A. No, they are a Group 3. [22.2.2(d)].
- Q. A sailor *working* for a sailmaker or as an agent is involved in sales or marketing of sails and races with customers. Are they a Group 3?
A. Yes. Even if they do not have knowledge or skill capable of enhancing performance. [22.2.2(c) applies]. If they do not race with their customers they could be a Group 1 if they do not have knowledge or skill capable of enhancing performance.
- Q. A sailor *working* for a sailmaker is involved in sales or marketing and uses their employer's sails when *racing* on their own boat. Are they a Group 3?
A. Yes. Even if they do not have knowledge or skill capable of enhancing performance. [22.2.2(c)].
- Q. Is a sailor *working* for a sailmaker as a sail designer of *racing* sails always a Group 3?
A. Yes.
- Q. Can a sailor who has only been *paid* for *work* repairing *racing* sails be a Group 1?
A. Yes, but if they race with customers or if they have knowledge and skill capable of enhancing performance they would be Group 3.
- Q. Is a sailor *working* for a sailmaker in a purely administrative role Group 1 even if they races on a boat which uses their company's sails?
A. They know whether they have any influence on the choice of sails, their purchase and or their cut and their performance, but normally they would be Group 1.
- Q. A sailmaker makes sails only for boats that do not race. Can they be a Group 1?
A. Yes
- Q. An active partner in a sailmaking loft races with a friend who has now become a customer. They have known them and sailed with them for many years. Can they be a Group 1?
A. No, they are a Group 3.
- Q. A sailmaker makes a sail for themselves for their own boat. Does this make them a Group 3?
A. Yes . Their *work* requires knowledge and skill capable of improving a boat's performance and which can be utilised whilst on board a boat when *racing*

15. Riggers added January 2012

- Q. Are all employees of rigging companies automatically Group 3?
A. No. Employees of riggers are sometimes Group 3 but Categorization depends on the exact nature of the *work* and the relationship between the sailor's *work* and their *racing*. For example those who have not been involved in setting up and tuning racing masts and rigging and whose *work* does not require knowledge or skill capable of enhancing the performance of the boat whilst on board in a race such as accountants, clerks and those who do production rigging or mast building may be Group 1.
- Q. A sailor *working* for a rigger has *work* that requires knowledge and skill capable of enhancing performance in a race whilst *racing* but does not race with the customers of the rigger. Are they a Group 1?
A. No, they are a Group 3. [22.2.2(d)].
- Q. A sailor *working* for a rigger or as an agent is involved in sales or marketing of race boat rigging and races with customers. Are they a Group 3?
A. Yes. Even if they do not have knowledge or skill capable of enhancing performance. [22.2.2(b) applies]. If they do not race with their customers they could be a Group 1 if they do not have knowledge or skill capable of enhancing performance.
- Q. A rigger makes rigging only for boats that do not race. Can they be a Group 1?
A. Yes
- Q. An active partner in rigging company races with a friend who has now become a customer. They have known them and sailed with them for many years. Can they be a Group 1?
A. No, they are a Group 3.
- Q. A rigger makes rigging for themselves for their own boat. Does this make them a Group 3?
A. Yes. Their *work* requires knowledge and skill capable of improving a boat's performance and which can be utilised whilst on board a boat when *racing*
- Q. A sailor *works* for a mast builder. Can they be a Group 1?
A. Yes, unless they have knowledge or skill in tuning a mast that would enhance the performance of a boat in a race or if they are on board a boat in a race to promote their product in which case they are a Group 3.
- Q. A sailor *works* for a production rigger. Can they be a Group 1?
A. Yes, unless they have knowledge or skill in tuning that mast that would enhance the performance of a boat in a race or if they are on board a boat in a race to promote their product in which case they will be a Group 3.

16. Boat Sales (Builders, Dealers and Brokers)

Q. An employee or owner of a company whose sales include boats that race never races with the clients. Are they a Group 1?

A. Yes, they are a Group 1

Q. Is an employee or owner of a company that only sells boats that do not race Group 1?

A. Yes.

Q. A sailor has *paid work* that includes selling boats that race and races with the customers. Are they a Group 3?

A. Yes.

Q. A broker sells a boat to a client and races on her for many years. Do they remain Group 3 throughout?

A. No, they are a Group 3 for the first 24 months as their *paid work* in this period has included supplying a boat that they then raced on. [Code 22.2.2(c)]
They must then go through the timeout period before becoming Group 1.
This is 24 months and will date from their last race in the initial 24 month period.
If they sell another boat and races on it they must go through the whole cycle again

However if the boat sold and on which they race is being used to market, demonstrate or in any other way influence the purchase of a boat by other customers (whether or not they then races with them) he remains Group 3 as Code 22.2.2(b) applies.

Note: This principle also applies to yacht designers, see page 27

Q. An employee or owner of a company that sells boats races on a boat that is owned by that company. Are they a Group 1?

A. No, they are a Group 3.

Q. A sailor owns a boat that is built by the company who they *work* for and races on it. Are they a Group 1?

A. No, they are a Group 3.

Q. A sailor *works* for a dealer and owns and races a boat sold by the dealer. Are they a Group 3?

A. Yes.

17. Boat Builders

Q. A boat builder builds only motor boats or commercial vessels (tugs, fishing boats, pilot boats). Are they a Group 1?

A. Yes

Q. A boat builder only builds sailboats that do not race. Are they a Group 1?

A. Yes

Q. Are all builders of boats that race Group 3?

A. No. They could be Group 1 or 3 depending on the nature of their *work* and the relationship between the *work* and their *racing*.

Q. Is a sailor *working* for a boat builder in a purely administrative role Group 1 even if they races on a boat that the boat builder has built?

A. Yes, but only if the sailor has no influence on the sale of the boat or subsequent boats through their *racing* and is not involved in any way in preparing the boat for *racing*.

Q. A sailor *works* for a builder of boats that race, but never races on the boats he builds. Are they a Group 3?

A. They could be a Group 1 or Group 3 depending on the actual *work* they do. If the *work* requires knowledge or skill capable of contributing to the performance of boats in a race and that can be utilised whilst actually *racing* they are a Group 3, if not then Group 1. Refer to FAQs on Marine Businesses and Organisations on page 21.

Q. A boat builder races on boats he has built. Are they a Group 3?

A. No, usually they would be a Group 1. However:

(a) a boat builder who influences the sale of a boat they build by *racing* on it or other similar ones is Group 3.

(b) If this *work* requires knowledge or skill capable of contributing to the performance of boats in a race and that can be utilised whilst actually *racing* would be a Group 3.

18. Boat Designers

- Q. Is a boat designer who never designs boats that race Group 1?
A. Yes.
- Q. Is a designer who designed a boat that races but never races on it themselves Group 1?
A. Yes.
- Q. Can a boat designer who races on a boat which they have designed be a Group 1?
A. No, they would be a Group 3.
- Q. A boat designer has designed a boat for a new one design class and races in the class. Are they a Group 3?
A. Yes.
- Q. May a designer who is continuing to receive royalties from one of their designs for a boat that races become Group 1?
A. (a) Yes, if the design is more than 2 years old and they do not race on a boat of that design; but
(b) If they race on a boat of that design they are a Group 3.

See also page 25.

19. Boat Yard and Marina Operations

- Q. Can an employee of a boat yard who repairs a damaged boat and then races on that boat be Group 1?
- A. Yes, if all that the repair *work* comprises is a return to its original condition. However if they are involved in any tuning, testing maintaining or preparation of the boat for *racing* then they will be a Group 3.
- Q. Is engine maintenance considered a Group 3 activity?
- A. No.
- Q. Is a crane, hoist, or TraveLift operator Group 1?
- A. Yes.
- Q. Can a sailor who has *paid work* to fair hulls, keels, or rudders be Group 1?
- A. Yes, provided they do not race on any of the boats for which they have carried out this *work*, otherwise Group 3.
- Q. Can an owner or employee of a marina be Group 1?
- A. Yes, unless they engages in other activities that would make them a Group 3.

20. Sponsorship and Advertising *revised January 2012*

The Sailor Categorization Code states:

'The display of Competitor Advertising in accordance with the Advertising Code, Regulation 20, even if *payment* is received for it, does not influence the sailor's categorization in this Code.'

- Q. Does sponsorship of a boat that races make its owner(s) who race(s) on it a Group 3 sailor(s)?
- A. Not necessarily. Sponsorship of a boat or its equipment in return for advertising does not on its own result in the owner becoming Group 3.

The receipt of *pay* (money, moneys worth etc.) in return for genuine advertising is considered to be for advertising and not for any of the *work* as set out in 22.2.2. However if the benefit received by the owner is excessive in relation to the advertising benefit to the donor and/or the arrangement is being used as a device to avoid the owner being seen to have *work* as set out in 22.2.2 they will be deemed to be Group 3.

- Q. An owner(s) is provided with equipment such as a sail in return for advertising on that sail or on the boat or its equipment. Will they become a Group 3 sailor(s)?
- A. Not necessarily, such an owner will be classified using the same criteria set out above.

- Q. If a charterer organises sponsorship for a boat they have chartered do the same criteria apply as set out above?
- A. Yes

- Q. If the owner, charterer or a sponsor representative passes some of the *payment* on to other members of the crew do they become Group 3?
- A. Yes, but only if the *payment* to a sailor falls outside of that sailor's *Personal Expenses*

- Q. Is a sailor who is personally sponsored, either individually or as part of a team, a Group 3 sailor?
- A. Yes, unless the amounts received are limited to the specific expenses allowed as *Personal Expenses* (See also Olympic and Elite Sailors on page 16).

- Q. Is a sailor Group 3 just because he or she competes in the Volvo Ocean Race or America's Cup events?
- A. No. However, due to the commercial nature of these events, it is more likely than not that sailors in them are *paid* and therefore they will need to provide evidence they are not *paid* in order to obtain Group 1 status. Sailors are reminded that *pay* includes money's worth and benefits in kind.

- Q. Does competing in the Volvo Ocean Race or America's Cup events affect a sailor's categorization status?
- A. Yes. From 1 December 2011 onwards, any Group 3 sailor who competes in an the Volvo Ocean Race or America's Cup events will remain Group 3 for 5 years after the final day of racing or until the expiry of the usual Group 3 timeout period of 2 years (whichever is the later). This applies whether or not the sailor was Group 1 or 3 at the time of the Volvo Ocean Race or America's Cup events.

For example, a sailor is Group 1 and competes in the Volvo Ocean Race or America's Cup events. In August 2013, they become a Group 3 sailor. Because they competed in the Volvo Ocean Race or an America's Cup event, they are now Group 3 until August 2018 as this is 5 years from the end of the event in which they competed, whether they has ceased any Group 3 activities since that time.

In August 2018, the sailor can apply for a new categorization and the usual *Qualification Period* of the 2 years prior to the application date will be considered.

Sailors are referred to WORLD SAILING Regulation 22.2.3.

- Q. Does this affect the 2011-2012 Volvo Ocean Race?
A. No. WORLD SAILING has exempted the current edition of the Volvo Ocean Race from the effect of this measure. See the notice on the WORLD SAILING categorization website.
- Q. What are defined as America's Cup events?
A. WORLD SAILING has determined what events constitute the America's Cup. Sailors must read the notice on the WORLD SAILING categorization website for the exact list.

21. Prizes

- Q. A Group 1 sailor wins a valuable non-monetary prize such as a watch, presented by the event organisers or event sponsors. Does this affect their categorization?
- A. No. Occasional prizes of a non monetary nature given by event organisers or event sponsors are not viewed as *pay* unless a sailor uses a regular circuit with valuable prizes to substantially and regularly augment their income.
- Q. A Group 1 sailor receives a pre-arranged bonus beyond reasonable expenses (monetary or otherwise) in an event. Does this affect their categorization?
- A. Yes, they would become Group 3, unless the bonus was awarded directly by the event organisers or event sponsors as a prize.
- Q. A Group 1 sailor wins a cash prize from an event organizer or sponsor as owner, helmsman or as part of a boat's crew. Would accepting this prize affect his categorization?
- A. Yes, they would become a Group 3. However a sailor may, without affecting their categorization, accept part of a monetary prize that does not exceed their reasonable *personal expenses* (as defined in the Code) for that event, provided they have not already been reimbursed.
- Q. A Group 1 helmsman or owner wins a cash prize. May they accept this prize in order to *pay* the expenses of bringing their boat and/or crew to that event without affecting their categorization?
- A. No, they may only accept the part of the cash prize that covers their *personal expenses* and/or the cost of reimbursing the *personal expenses* of their crew for that event (as defined in the Code). They may not use the cash prize to *pay* for any of the maintenance, transport, operating and/or capital costs of the boat.
- Q. May a Group 1 sailor accept 'appearance money' to race in an event?
- A. No, they would be receiving *pay* and therefore would be Group 3 unless the appearance money was less than their specific *personal expenses* to attend the event.

22. What happens at an interview at an event

Sometimes at a major event a representative of the WORLD SAILING Sailor Categorization Commission will be present at Registration in order to carry out an organised series of spot checks. This will have been stated in the NOR.

The list of sailors required for interview will be published.

Q. Can a sailor change their interview to another time or location?

A. No. The Notice of Race requires that interviews will take place during registration at the event. The representative of the Categorization Commission will only be present at this time. No other arrangements have or will be made with WORLD SAILING.

Q. What happens at an interview?

A. The Commission's representative will discuss the sailor's categorization with them, their involvement with sailing, their financial affairs and their employment. Provided there are no areas of concern, the interview should be short.

Q. What will happen if the Commission has concerns?

A. If the Commission's representative has concerns, they will inform the competitor of what these are and the interview will then be stopped.

The competitor will be then be asked to come back for a second interview, which will be held in the presence of a witness (usually a member of the International Jury). If the Commission's representative concludes at the end of the interview that the sailor's categorization should be changed, the sailor will be informed of that fact and the reasons why.

Q. Will a sailor's categorization be changed at the interview?

A. It is the responsibility of each sailor to be totally open and honest with WORLD SAILING when applying for categorization. There is a continuing obligation under the Code to inform WORLD SAILING immediately of any circumstances which may lead to your categorization being different.

It is common for the Commission to discover in interview that a sailor has either had a change of circumstances which has not been notified to WORLD SAILING or has omitted to tell WORLD SAILING certain information in their original application.

Provided a sailor's application remains up to date and correct, there should be no reason for concern. However, if any new circumstances come to light which have not been disclosed to WORLD SAILING, or if a sailor was not frank in their initial application, then it is possible their categorization may be changed.

Q. What should I tell my crew?

A. You must tell your crew to ensure their categorizations are up to date and there is no information about their personal circumstances (including their financial involvement with sailing) which has not been disclosed to WORLD SAILING.

WORLD SAILING will not correspond with anyone other than the sailor in question due to legal reasons. This means it cannot answer queries from skippers or crew bosses on behalf of crew.

You should remind your crew that if they mislead WORLD SAILING or provide it with false information, the consequences will be severe.

Q. When do changes to categorization take effect from?

A. Immediately.

Q. If a competitor's categorization is changed, can they appeal?

A. Yes. However, appeals must be submitted online and, by WORLD SAILING Regulation, can only be considered by a panel of three members of the Categorization Commission, from at least two different countries. It is therefore extremely unlikely any appeal would be decided in time for the start of *racing*.

Q. My crew says there has been a mistake with their categorization. What should they do?

A. They must contact WORLD SAILING immediately.

If the issue is administrative (i.e. they have clicked "Group 3" instead of "Group 1") then WORLD SAILING will be able to sort this quickly.

If the issue involves a question of judgment by the Commission, then they may have to appeal unless the initial reviewer changes his or her mind in light of the new information provided.

Q. What do I do if I think another boat's crew's categorization is incorrect?

A. You should protest the boat before the end of the categorization protest time limit for the event

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